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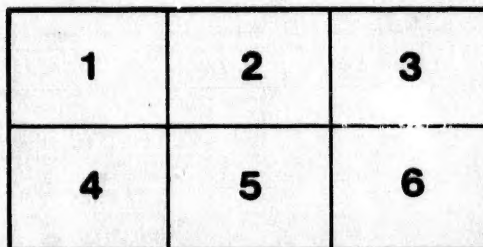
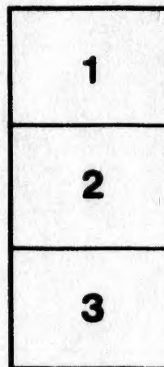
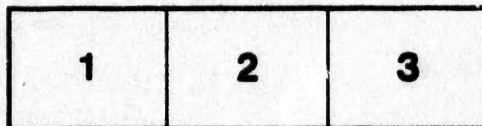
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**AN ACT**

**FOR**

**LIMITING THE TIME OF SERVICE IN THE ARMY ;**

**[Passed 21st June 1847]**

**AN ACT**

**TO AMEND THE ACT FOR LIMITING THE TIME OF  
SERVICE IN THE ARMY ;**

**[Passed 27th February 1855]**

**AN ACT**

**TO REVIVE AND CONTINUE AN ACT AMENDING  
THE ACT FOR-LIMITING THE TIME OF  
SERVICE IN THE ARMY ;**

**[Passed 23rd July 1858]**

**AND**

**A N A C T**

**FOR**

**PUNISHING MUTINY AND DESERTION, AND FOR  
THE BETTER PAYMENT OF THE ARMY  
AND THEIR QUARTERS ;**

**[Passed 18th March 1864]**

**TOGETHER WITH**

**RULES AND ARTICLES OF WAR.**

AN ACT

FOR

LIMITING THE TIME OF SERVICE IN THE ARMY;

[Enacted 21st June 1867]

AN ACT

TO AMEND THE ACT FOR LIMITING THE TIME OF  
SERVICE IN THE ARMY;

[Enacted 27th February 1867]

AN ACT

TO REVISE AND CONTINUE AN ACT AMENDING  
THE ACT FOR LIMITING THE TIME OF  
SERVICE IN THE ARMY;

[Enacted 22nd July 1867]

AND

AN ACT

FOR

PUNISHING MUTINY AND DESERTION, AND FOR  
THE BETTER PAYMENT OF THE ARMY  
AND THEIR OFFICERS;

[Enacted 12th March 1867]

TOGETHER WITH

RULES AND ARTICLES OF WAR.

534



AN ACT  
FOR  
LIMITING THE TIME OF SERVICE  
IN THE  
ARMY.

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*Passed 21st June 1847.*

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QUEBEC:  
PRINTED BY J. N. DUQUET,  
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## VICTORIÆ REGINÆ.

### CAP. XXXVII.

*An Act for limiting the Time of Service  
in the Army.* [21st June 1847.]

**W**HEREAS it is expedient to amend the system of Enlistment now in use in Her Majesty's Land Forces: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act no Person shall be enlisted to serve Her Majesty, or in the Forces of the *East India Company*, as a Soldier for a longer Term than Ten Years in 'the Infantry, or Twelve Years in the Cavalry, or Artillery, or other Ordnance Corps, to be reckoned from the day on which

After passing of this Act the Period for Enlistment for a Soldier limited.

which the Recruit shall have been attested, if he shall have stated himself to be then of the Age of Eighteen Years, or if not, then from the Day on which he will complete the Age of Eighteen Years, to be reckoned according to the Age stated in his Attestation.

Repealing certain Questions in Schedule to 10 & 11 Vict. c. 12., and substituting those contained in Schedule (A.) to this Act annexed.

2. And be it enacted, That such of the Questions relative to Enlistment as are contained in the Schedule of an Act passed in the present Year of Her Majesty's Reign, intituled *An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters*, as relates to the enlisting and attesting of Soldiers, shall be repealed; and that in all Cases of Enlistment to serve Her Majesty or the *East India Company* the Question directed to be put on the Attestation of Recruits, as to their Willingness to serve, shall be in the Form contained in Schedule (A.) hereto annexed.

Soldiers, at any Time during the last Six Months, or on Completion of Term of limited Service, may be re-engaged.

3. And be it enacted, That any Soldier, at any Time during the last Six Months of the Term of limited Service for which he shall have first engaged, or after the Completion of such Term, may, if approved by his Commanding Officer or other competent Military Authority as a fit Person to continue in Her Majesty's Service, or in the Service of the *East India Company*, as a Soldier, be re-engaged to serve for the

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the further Term of Eleven Years in the Infantry, and Twelve Years in the Cavalry or Artillery or other Ordnance Corps, upon making a Declaration in the Form given in the Schedule marked (B.) and annexed to this Act before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or, if not in *Great Britain* or *Ireland*, before any Person duly appointed by Her Majesty, by any Warrant signed by the Secretary-at-War in that Behalf, to enlist and attest out of *Great Britain* and *Ireland* any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service.

4. Provided also, and be it enacted, That any Soldier who shall be ordered on Foreign Service, and who is within Three Years of the Expiration of his First Engagement, shall be at liberty, with the Approbation of his Commanding Officer, to re-engage, before he embarks for such Foreign Service, for such Period as shall complete a total Service of Twenty-one Years in the Infantry or Twenty-four Years in the Cavalry or Artillery, according to the Form given in Schedule (B.) and annexed to this Act.

Soldiers ordered on Foreign Service, within Three Years of Expiration of First Engagement, may be re-engaged for a further Term.

5. Provided always, and be it enacted, That if either the First or Second Term of limited Service for which any Soldier shall have so engaged shall expire while he is serving any Foreign

If Terms of limited Services expire while Soldiers are on

Station, they may be prolonged for a further Time.

serving on any Foreign Station, the said First or Second Term of limited Service may be prolonged for such further Time, not exceeding Two Years, as shall be directed by the Commanding Officer on such Foreign Station; and that any Soldier who shall give Notice to his Commanding Officer, after completing his Second Term of limited Service, that he is desirous of continuing in Her Majesty's Service, or in the Service of the *East India* Company, and being approved by his Commanding Officer or other competent Military Authority, may be continued in such Service as a Soldier so long as he shall desire to be so continued, and until the Expiration of Three Calendar Months after he shall have given Notice to his Commanding Officer of his Wish to be discharged, and for that Purpose shall be considered in all respects, during such Time, as if his Term of Service were still unexpired.

If at the Expiration of such Terms of Service Soldiers are unwilling to re-engage themselves, they shall be conveyed home.

6. Provided further, and be it enacted, That if at the Expiration of such First or Second Term of limited Service, or of such Term of prolonged Service, any Soldier entitled to his Discharge, being on any Foreign Station, shall not be willing to re-engage or to continue in Her Majesty's Service, or in the Service of the *East India* Company, the Commanding Officer of the Regiment in which he may be serving shall, as in the Case of Soldiers invalided, take the

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the usual Measures, with all convenient De-  
spatch, for the Conveyance of such Soldier  
to *England*, and on the Arrival of such  
Soldier in *England* he shall be finally dis-  
charged: Provided always, that during such  
Time as may elapse between the Expiration  
of such Terms of Service as aforesaid and  
his final Discharge in *England* such Soldier  
shall remain subject to all the Provisions  
of any Act which may be then in force for  
punishing Mutiny and Desertion, as fully as  
he may have been subject thereto before  
the Expiration of such Terms of Service:  
Provided also, that if at the Expiration of  
any such First or Second Term of limited  
Service, or of such Term of prolonged Ser-  
vice, any Soldier being in any of Her Ma-  
jesty's Colonies shall claim his Discharge,  
and shall signify to the Governor of such  
Colony, through the Commanding Officer  
of the Regiment in which he may be serving,  
his Desire to remain in such Colony, it shall  
be lawful for such Governor, if he shall  
think fit, with the Consent of such Com-  
manding Officer, to permit such Soldier to  
remain therein, and thereupon such Soldier  
shall be finally discharged, and shall not be  
entitled to claim to be conveyed to *England*  
at the public Charge at any future Period.

Soldiers  
to  
remain in  
the Colony,  
Governor,  
&c., may  
permit them  
so to do.

7. And be it enacted, That if the Term  
for which any Non-commissioned Officer or  
Soldier shall have been enlisted or re-en-  
gaged, or for which his Term of Service  
may be committed,

If Term of  
Enlistment  
of Soldier  
expire after  
any Offence

&c., he shall be deemed to be in the Service till after Trial, &c., for the same.

may have been prolonged as aforesaid, shall expire after any Offense committed by him, and before he has been tried or punished for the same, such Non-commissioned Officer or Soldier shall, notwithstanding the Expiration of his Term of Service, be deemed and taken to be still in Her Majesty's Service, or in the Service of the *East India Company* as the Case may be, for the Purpose of undergoing his Trial and Punishment, but for no other Purpose: Provided always, that no Non-commissioned Officer or Soldier shall be so tried after the Expiration of his Service, except by a General or District or Garrison Court-martial.

If Soldiers are absent from Duty by reason of Imprisonment, &c., such Portion of Time not to be reckoned as Part of limited Enlistment.

8. And be it enacted, That if any Non-commissioned Officer or Soldier shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged as aforesaid; and if any Non-commissioned Officer or Soldier shall have been absent from his Duty during any Portion

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tion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service by reason of his having been made a Prisoner of War, the Circumstances under which he was so made a Prisoner shall, on his rejoining Her Majesty's Service, or the Service of the *East India* Company, be subjected to Inquiry by a Court-martial, and if it shall appear to the Satisfaction of the Court that he was taken Prisoner through his own wilful Neglect of his Duty, or that he has or has not returned to his Duty so soon as he could and ought to have returned, the Court may by its Sentence direct that all or any Part of the Time during which such Non-commissioned Officer or Soldier shall have been so absent may be deducted from his Term of Service.

9. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament. Act may be amended, &c.

**SCHEDULES to which the foregoing Act refers.**

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**SCHEDULE (A.)**

**QUESTIONS to be put by the JUSTICE to a RECRUIT ON ENLISTING.**

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the                      Regiment of  
for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then*

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*then the difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station ?*

9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted ?
10. For what Bounty did you enlist ?
11. Have you any Objection to make to the Manner of your Enlistment ?
12. Do you now belong to the Militia ?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company ?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company ?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment ?

*Note.*—The Justice is directed, in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

*Enlisting*

***Enlisting for Service in Her Majesty's Colonies.***

Question 8, is to be put by the Justice as follows :

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station ?

***Enlisting for either Her Majesty's or the East India Company's Service.***

Question 8. is to be put by the Justice as follows :

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age*

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*Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)],* provided your Services, should so long be required and also for such further Term, not exceeding Two Years as shall be directed by the Commanding Officer on any Foreign Station ?

### *Enlisting for the East India Company's Service.*

Question 8. to be put by the Justice as follows :

8. Are you willing to be attested to serve in the East India Company's \* for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards ; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)]*], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

\* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

## SCHEDULE (B.)

I,                      Number                      do declare, That  
 I am at present (or was, as the Case may  
 be,)                      in Captain                      Company in  
 the                      Regiment; that I enlisted on the  
                     Day of                      for a Term of  
 Years; that I am of the Age of  
 Years; and that I will serve Her Majesty,  
 Her Heirs and Successors, [or in the Forces  
 of the East Ind Company, as the Case  
 may be,] for a further Term of  
 Years [to be filled up with Eleven Years in  
 the Infantry, and Twelve in the Cavalry  
 or Artillery or other Ordnance Corps, and,  
 in the Case of a Soldier about to embark  
 for Foreign Service, with such Number of  
 Years as shall be required to complete a  
 total Service of Twenty-one Years in the  
 Infantry, or Twenty-four in the Cavalry  
 or Artillery or other Ordnance Corps],  
 provided my Services should so long be  
 required, and also for such further Term,  
 not exceeding Two Years, as shall be  
 directed by the Commanding Officer on any  
 Foreign Station.

Declare before me,

*Signature of Soldier.*

*Signature of Witness.*

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AN ACT  
TO  
AMEND THE ACT  
FOR  
LIMITING THE TIME OF SERVICE  
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*Passed 27th February 1855.*

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CAP. IV.

*An Act to amend the Act for limiting the  
Time of Service in the Army.*

[27th February 1855.]

**W**HEREAS by an Act passed in the Session holden in the Tenth and Eleventh Years of Her Majesty, Chapter Thirty-seven, "for limiting the Time of Service in the Army," it was enacted that <sup>10 & 11 Vict. c. 37.</sup> no Person should be enlisted to serve Her Majesty, or in the Forces of the *East India* Company, as a Soldier, for a longer Term than Ten Years in the Infantry or Twelve Years in the Cavalry or Artillery, or other Ordnance Corps, to be reckoned from the Day on which the Recruit should have been attested, if he should have stated himself to be then of the Age of Eighteen Years, or if  
not,

not, then from the Day on which he would complete the Age of Eighteen Years, to be reckoned according to the Age stated in his Attestation : And it was thereby also enacted, that any Soldier at any Time during the last Six Months of the Term of limited Service for which he should have been first engaged, or after the Completion of such Term, might, if approved by his Commanding Officer or other competent Military Authority as a fit Person to continue in Her Majesty's Service or in the Service of the *East India* Company as a Soldier, be re-engaged to serve for the further Term of Eleven Years in the Infantry and Twelve Years in the Cavalry or Artillery or other Ordnance Corps : and that any Soldier who should be ordered on Foreign Service, and who was within Three Years of the Expiration of his First Engagement, should be at liberty, with the Approbation of his Commanding Officer, to re-engage before he embarked for such Foreign Service for such Period as should complete a total Service of Twenty-one Years in the Infantry or Twenty-four Years in the Cavalry or Artillery : And whereas by an Act passed in the Session holden in the Twelfth and Thirteenth Years of Her Majesty, Chapter

12 & 13 Vict.  
c. 73.

Seventy-three, " to limit the Enlistment in the Artillery and other Ordnance Corps," it was enacted, that during the last Six Months of the Term of limited Service for which a Soldier should have first engaged to

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to serve in the Artillery or other Ordnance Corps, or after the Completion of such Term, he might, if approved by his Commanding Officer or other competent Military Authority as a fit Person to continue in Her Majesty's Service as a Soldier, be re-engaged to serve for the further Term of Nine Years: And whereas by reason of Directions contained in Schedules to the said first-recited Act, for filling up Blanks in the Forms of Questions to be put to Recruits on enlisting, it is apprehended that it may not be lawful to enlist Persons to serve as Soldiers for lesser Terms than the said Terms of Ten Years and Twelve Years respectively: And whereas it is expedient that Her Majesty should be enabled to permit Enlistment for such lesser Terms, and to authorize Soldiers to re-engage for any Terms within the Limits of Service prescribed by the said Acts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

I. For Three Years after the passing of this Act, any Person may be enlisted to serve Her Majesty, or in the Forces of the *East India Company*, as a Soldier, for any such Term, not exceeding Ten Years in the Infantry or Twelve Years in the Cavalry

Power to Her Majesty, by Order in Council, for Three Years after passing of Act, to les-  
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or Artillery or other Ordnance Corps (to be reckoned as provided in the said first-mentioned Act), as may be authorized by any Order or Orders of Her Majesty in Council in this Behalf; and any Soldier may, subject to such Approbation as in the said Acts mentioned, re-engage for such Term as may by such Order or Orders in Council be authorized, provided the Term for which he is so engaged, with the Term of his Service under his First Enlistment, do not exceed the Period of Twenty-one Years in the Infantry or Artillery or other Ordnance Corps, or Twenty-four Years in the Cavalry; and the Forms of Questions on Enlistment in Schedule A. to the said first-mentioned Act, and the Form of Declaration in Schedule B. to such Act, may, when the Occasion requires, be filled up with such Term or Number of Years as may be authorized by such Order or Orders, instead of the Term or Number of Years mentioned in the Directions contained in such Schedules.

Recited Acts  
and this Act  
to be read  
as One.

9. The said Acts of the Tenth and Eleventh Years and Twelfth and Thirteenth Years of Her Majesty and this Act shall be read and construed together as One Act.

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**AN ACT**

**TO**

**REVIVE AND CONTINUE AN ACT**

**AMENDING THE**

**ACT FOR LIMITING THE TIME OF**

**SERVICE IN THE ARMY.**

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*Passed 23rd July 1858.*

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VICTORIÆ REGINÆ.

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CAP. LV.

*An Act to revive and continue an Act  
amending the Act for limiting the Time  
of Service in the Army.*

[23rd July 1858.]

WHEREAS by an Act of the Session holden in the Eighteenth and Nineteenth Years of Her Majesty, Chapter Four, "to amend the Act for limiting the Time of Service in the Army," it was enacted that for Three Years after the passing of the Act now in recital any Person might be enlisted to serve Her Majesty or in the Forces of the *East India* Company as a Soldier for any such Term not exceeding Ten Years in the Infantry or Twelve Years in the Cavalry or Artillery

lery or other Ordnance Corps as might be authorized by any Order or Orders of Her Majesty in Council in that Behalf: And whereas it is expedient to revive and continue the said Act: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this Present Parliament assembled, and by the Authority of the same, as follows:

Act revived  
and con-  
tinued.

1. The said Act of the Eighteenth and Nineteenth Years of Her Majesty shall continue in force as if Six Years after the passing of the said Act had been mentioned therein instead of Three Years, and shall be deemed and taken to have had Effect accordingly, to all Intents and Purposes, as if this Act had actually passed before the Expiration of the said Term of Three Years.

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# AN ACT

FOR

PUNISHING MUTINY AND DESERTION;

AND FOR

*THE BETTER PAYMENT OF THE ARMY  
AND THEIR QUARTERS.*

---

ALSO,

RULES AND ARTICLES

FOR

THE BETTER GOVERNMENT OF  
HER MAJESTY'S ARMY.

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WITH TABLES OF CONTENTS.

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CAP. III.

*An Act for punishing Mutiny and Desertion,  
and for the better Payment of the Army  
and their Quarters, [18th March 1864.]*

**W**HEREAS the raising or keeping a Standing Army within the United Kingdom of *Great Britain and Ireland* in Time of Peace, unless it be with the Consent of Parliament, is against Law :—  
AND whereas it is adjudged necessary by Her Majesty, and this present Parliament, that a Body of Forces should be continued, for the Safety of the United Kingdom, the Defense of the Possessions of Her Majesty's Crown, and the Preservation of the Balance of Power in *Europe*, and that the whole Number of such Forces should consist of One hundred and forty-six thousand seven hundred and sixty-six Men, including Nine thousand three hundred and forty-seven, all Ranks, to be employed with the Depôts in the United Kingdom of *Great Britain and Ireland* Number of Men to consist of 146,766, including those employed at Depôts of Regiments serving in

India, but  
exclusive  
of those  
actually  
serving in  
India.

*Ireland* of Regiments serving in Her Majesty's *Indian* Possessions, but exclusive of the Numbers actually serving within Her Majesty's *Indian* Possessions : — AND whereas no Man can be forejudged of Life or Limb, or subjected in Time of Peace to any Kind of Punishment within this Realm, by Martial Law, or in any other Manner than by Judgment of his Peers, and according to the known and established Laws of this Realm ; — yet nevertheless it being requisite, for the retaining all the before-mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, or be guilty of Crimes and Offences to the Prejudice of good Order and Military Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow : — BE it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows :

Articles of  
War made  
by Her Ma-  
jesty to be  
judicially  
taken notice  
of, and  
Copies  
printed by  
the Queen's

1. IT shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Army, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever ; — and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and

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Her Majesty's Secretary of State for the War Department to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad ;—PROVIDED that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British Isles*, shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishments as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act:—PROVIDED also, that nothing in this Act contained shall in any Manner prejudice or affect any Articles of War or other Matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the Authority of the Government of *India* respecting Officers or Soldiers or Followers in Her Majesty's *Indian Army*, being Natives of *India* ; and on the Trial of all Offences committed by any such Native Officer or Soldier or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

established by Her Majesty, be transmitted by Her Majesty's Secretary of State for the War Department to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad ;—PROVIDED that no Person within the United Kingdom of *Great Britain* and *Ireland*, or within the *British Isles*, shall by such Articles of War be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, except for Crimes which are by this Act expressly made liable to such Punishments as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act:—PROVIDED also, that nothing in this Act contained shall in any Manner prejudice or affect any Articles of War or other Matters made, enacted, or in force, or which may hereafter be made, enacted, or in force, under the Authority of the Government of *India* respecting Officers or Soldiers or Followers in Her Majesty's *Indian Army*, being Natives of *India* ; and on the Trial of all Offences committed by any such Native Officer or Soldier or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

2. ALL

Persons sub-  
ject to this  
Act.

2. **ALL** the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay, and all Pensioners receiving Allowances in respect of such Service, and to Persons who are or shall be hired to be employed in the Royal Artillery, Royal Engineers, and to Master Gunners, and to Conductors of Stores, and to the Corps of Royal Military Surveyors and Draftsmen, and to all Officers and Persons who are or shall be serving on the Commissariat Staff, or in the Commissariat Staff Corps, and to Officers serving in the Military Store Department, and to Persons in the War Department, who are or shall be serving with any Part of Her Majesty's Army at home or abroad, under the Command of any Commissioned Officer, and (subject to and in accordance with the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-five,) to any Out-pensioners of the Royal Hospital, *Chelsea*, who may be called out on Duty in aid of the Civil Power, or for Muster or Inspection, or who having volunteered their Services for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, and to all Military Store Officers and other Civil Officers who are or shall be employed by or

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Act shall be under the Secretary of State for War at any of Her Majesty's Establishments in the Islands of *Jersey, Guernsey, Alderney, Sark, and Man* and the Islands thereto belonging, or at Foreign Stations;—and all the Provisions of this Act shall apply to all Persons belonging to Her Majesty's *Indian Forces* who are or shall be commissioned or in Pay as Officers, or who shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners, or Pioneers, or as Military Surveyors or Draftsmen, or in the Ordnance or Public Works or Commissariat Departments, and to all Storekeepers and other Civil Officers employed under the Ordnance, and to all Veterinary Surgeons, Medical Storekeepers, Apothecaries, Hospital Stewards, and others serving in the Medical Department of the said Forces, and to all Licensed Sutlers, and all Followers in or of any of the said Forces;—PROVIDED that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any Military Store Officer, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect.

3. THIS

Provisions  
of this Act  
to extend to  
Jersey,  
Guernsey,  
&c.

3. **THIS** Act shall extend to the Islands of *Jersey, Guernsey, Alderney, Sark, and Man*, and the Islands thereto belonging, as to the Provisions herein contained for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and as to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also as to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Medals for good Conduct or for distinguished or other Service, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also as to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, on account of any Breach of Contract to serve or work for any Employer, or on account of

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to the any Debts under Thirty Pounds in the said Islands.

4. ALL Officers and Soldiers of any Colonial and Foreign Troops mustered and in Pap, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like manner as Her Majesty's other Forces are ;—and if such Officers and Soldiers, having been made Prisoners, be sent into *Great Britain* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

5. NOTHING in this Act contained shall be construed to extend to any Militia Forces or Yeomanry or Volunteer Corps in *Great Britain* or *Ireland*, excepting only where by any Act for regulating any of the said Forces or Corps the Provisions contained in any Act for punishing Mutiny and Desertion are or shall be specifically made applicable to such Forces or Corps.

6. FOR the Purpose of bringing Offenders against this Act and against the Articles of martial.

of War to Justice, Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding of Courts-martial within the United Kingdom of *Great Britain and Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Persons or Persons commanding in chief, or commanding for the Time being, any Body of Troops belonging to Her Majesty's Army, as well within the United Kingdom of *Great Britain and Ireland*, and the *British Isles*, as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command: —PROVIDED that the Officer so authorized be not below the Degree of a Field Officer, except in detached Situations beyond Seas where a Field Officer is not in Command, in which Case a Captain may be authorized to convene District or Garrison Courts-martial.

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7. ANY Person subject to this Act who shall, in any Part of Her Majesty's Dominions or elsewhere, commit any of the Offences for which he may be liable to be tried by Court martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions or in any other Place whereto he may have come or where he may be after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Place where  
Offenders  
may be  
tried.

8. EVERY General Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Penal Servitude, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service ;—but no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein ;—and no Court-martial within the United Kingdom or elsewhere held under the Provisions of this Act shall have Power to award a Sentence of Transportation.

Powers of  
General  
Courts-  
martial.

9. EVERY District or Garrison Court-martial convened within the United Kingdom or the *British Isles* shall consist of not less than Seven Commissioned Officers,

Powers of  
District or  
Garrison  
Courts-  
martial.

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and

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and shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act :—PROVIDED always, that no such District or Garrison Court-martial shall have Power to try a Commissioned Officer, or to pass any Sentence of Death or Penal Servitude.

Powers of  
Regimental  
or Detach-  
ment  
Courts-  
martial.

10. A REGIMENTAL or Detachment Court-martial shall consist of not less than Five Commissioned Officers, unless it is found to be impracticable to assemble that Number, in which Case Three shall be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, or to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-  
martial on  
Line of  
March or in  
Troop Ships,  
&c.

11. IN Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship, not in Commission, the Offender may be tried by a Regimental or Detachment Court-martial, and Sentence may be confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

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12. IT shall be lawful for any Officer commanding any Detachment or Portion of Troops serving in any Place beyond Seas where it may be found impracticable to assemble a General Court-martial, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any Country in which such Troops are so serving, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Commissioned Officers, for the Purpose of trying any such Person ; — and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial:—  
**PROVIDED** always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army of which such Detachment or Portion forms Part shall have approved and confirmed the same.

13. ALL General and other Courts-martial shall administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same ; — and every Person, as well Civil as Military, who may be required to give or produce

Powers of  
Detachment  
General  
Courts-  
martial.

As to swear-  
ing and  
summoning  
of Wit-  
nesses.

produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate, and in the Case of all other Courts-martial by the President of the Court;—and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested;—or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or of the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according at the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that such Witness was arrested in going to or attending upon or returning from such Court-martial;—and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions at the Court may legally demand of them, shall be liable to

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to be attached in the Court of Queen's Bench in *London* or *Dublin*, or in the Court of Session or Sheriff or Stewart Courts in *Scotland*, or in Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend upon a Trial in any Proceeding in the Court in which such Complaint shall be made:—  
**PROVIDED** always, that nothing in this Act contained shall be construed to render an Oath necessary in any Case where by Law a solemn Affirmation may be made instead thereof.

14. NO Officer or soldier who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence;— and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

No Second Trial for the same Offence; but Revision may be allowed.

15. IF any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause. or join in

Crimes punishable with Death.

any

any Mutiny or Sedition in any Forces belonging to Her Majesty's Army, or Her Majesty's Royal Marines, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; — or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; — or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; — or shall misbehave himself before the Enemy; — or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall have been commanded to defend; — or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; — or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; — or shall desert Her Majesty's Service; — or shall leave his Post before being regularly

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regularly relieved ; —or shall sleep on his Post ; —or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer ; — or who being confined in a Military Prison shall offer any Violence against a Visitor or other his superior Military Officer, being in the Execution of his Office ; —all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded : — PROVIDED always, that any Non-commissioned Officer or Soldier attested for or in Pay in any Regiment or Corps, who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment or Corps, may be deemed to have deserted Her Majesty's Service, and shall be liable to be punished accordingly.

16. IN all Cases where the Punishment Judgment of Death shall have been awarded by a of Death General Court-martial or Detachment General Court-martial it shall be lawful for may be commuted for Penal Servitude or other Punishments. the United Kingdom or *British Isles*, for the Commanding Officer having Authority to

to confirm the Sentence, instead of causing such Sentence to be carried into execution, to order the Offender to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to Her Majesty, or to the Officer commanding as aforesaid.

Embezzlement, &c., of Stores punishable by Penal Servitude.

17. ANY Officer or Soldier of Her Majesty's Army, or any Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Stores belonging to Her Majesty's Army or for Her Majesty's Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a General Court-martial, and sentenced to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, Reduction to the Ranks if a Warrant or Non-commissioned Officer, as such Court shall think fit, according to the Nature and Degree of the Offence;— and every such Offender shall, in addition to any other Punishment, make good at

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his own Expense the Loss and Damage sustained, and in every such Case the Court is required to ascertain by Evidence the Amount of such Loss or Damage, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies, or in *India*, where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known, or the Offender, if he shall remain in the Service, may be put under Stoppages not exceeding One Half of his Pay and Allowances until the Amount so ascertained shall be recovered.

18. WHENEVER Her Majesty shall intend that any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Penal Servitude any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Army in *Great Britain* and *Ireland*,

As to Execution of Sentences of Penal Servitude in the United Kingdom.



*Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Army in *Great Britain* and *Ireland*, then by the Secretary of State for the War Department, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Penal Servitude or such Offender in conformity with such Notification, and shall do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Penal Servitude of other Offenders ;—and it shall be lawful for any Judge of the Queen's Bench, Common Pleas, or Exchequer in *Ireland* to make an Order that any such Offender convicted in *Ireland* shall be kept in Penal Servitude in *England* ;—and such Order shall be in all respects as effectual in *England* as though such Offender had been convicted in *England*, and the Order had been made by any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* ;—and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience to or for interrupting the Execution of such Order as

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ence of the Order had been made under the Authority of any such Act as aforesaid; —and every Person so ordered to be kept in Penal Servitude shall be subject to every Provision made by Law and in force concerning Persons under Sentence of Penal Servitude; —and from the Time when such Order of Penal Servitude shall be made every Act in force touching the Escape of Felons, or their afterwards returning or being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in a, Escape or intended Escape or returning without Leave of any such Offender; —and the Judge who shall make any Order of Penal Servitude as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; —and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, and the Conditions on which the Order of Penal Servitude was made; — which

which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Penal Servitude was made, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

As to Execution of Sentences of Penal Servitude in the Colonies, India, the Ionian Islands, or elsewhere out of Her Majesty's Dominions.

19. WHENEVER any Sentence of Penal Servitude heretofore or hereafter passed upon any Offender by any Court-martial holden in *India*, or in any other Part of Her Majesty's Foreign Dominions, elsewhere beyond the Seas, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death passed by any such Court-martial has been or shall be as aforesaid be commuted to Penal Servitude, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station where the Offender may come or be, or in his Absence by the Adjutant General for the Time being, or some Judge of One of the Supreme Courts of Judicature in *India*, or the Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Penal Servitude or intermediate Custody of such Offender;—and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in *India*, or to the Governor of the Colony in any other Part of Her Majesty's Foreign Dominions, who shall be bound to cause the same to be carried into execution in accordance with the Order so made, and to cause the Offender to be committed to the Prison or other place of confinement, and to be kept in such place of confinement, and to be employed in such manner as the Governor of the Colony or the Governor of the Presidency may think fit, and to be subject to the same regulations and discipline as shall be prescribed by the Governor of the Colony or the Governor of the Presidency, and to be liable to the same punishments as shall be prescribed by the Governor of the Colony or the Governor of the Presidency, and to be subject to the same regulations and discipline as shall be prescribed by the Governor of the Colony or the Governor of the Presidency, and to be liable to the same punishments as shall be prescribed by the Governor of the Colony or the Governor of the Presidency.

in any of Her Majesty's Colonies, or the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on receipt of such Notification, shall cause such Offender to be removed or sent to some other Colony or Place, or to undergo his Sentence within the Presidency or Colony where the Offender was so sentenced, or where he may come or be as aforesaid, in obedience to the Directions for the Removal and Treatment of Convicts which shall from Time to Time be transmitted from Her Majesty through One of her Principal Secretaries of State to such Presidency or Colony;—and such Offender shall according to such Directions undergo to Sentence of Penal Servitude which shall have been passed upon him either in the Presidency or Colony in which he has been so sentenced, or in the Colony or Place to which he has been so removed sent, and whilst such Sentence shall remain in force shall be liable to be imprisoned, and kept to Hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with Hard Labour, during the Term of his Penal Servitude, by the Judgment of a Court of competent Jurisdiction in such Presidency or Colony, or in the Colony or Place to which he has been so removed or sent respectively:—IN the *Ionian Islands* and



21. WHERE an Award of any Forfeiture, or of Deprivation of Pay, or of Stoppages of Pay, shall have been added to any Sentence of Penal Servitude, it shall be lawful for Her Majesty, or, if in any Order to Place out of the United Kingdom or *British Isles*, for the Officer commanding in chief Her Majesty's Forces there serving, in the event of the Sentence being commuted for Imprisonment, to order such Award of Forfeiture, Deprivation of Pay, or Stoppages of Pay to be enforced, mitigated, or remitted, as may be deemed expedient.

22. ANY Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Desertion, or for disgraceful Conduct, Misbehaviour, or Neglect of Duty, but no Sentence of Corporal Punishment awarded by a Regimental Court-martial shall, except in the case of Mutiny or gross Insubordination hereinbefore mentioned, be put in execution in Time of Peace without the Leave in Writing of the General or other Officer commanding the District or Station in which the Court may be held;—and no Sentence of Corporal Punishment shall exceed Fifty Lashes.

23. IT shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without

Power to inflict Corporal Punishment.

Power to inflict Corporal Punishment and Imprisonment.

21. WHERE

without Hard Labour, and with or without Solitary Confinement, such Confinement not exceeding the Periods prescribed by the Articles of War.

Power to  
commute  
Corporal  
Punishment  
for Impri-  
sonment, &c.

24. IN all Cases in which Corporal Punishment shall form the whole or Part of the Sentence awarded by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement, or to mitigate such Sentence, or instead of such Sentence to award Imprisonment for any Period not exceeding Twenty Days, with or without Hard Labour, and with or without Solitary Confinement and Corporal Punishment, to be inflicted in the Prison, not exceeding Twenty-five Lashes, and the Solitary Confinement herein-before mentioned shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.

Power to  
commute a  
Sentence of  
Cashiering.

25. It shall be lawful for Her Majesty in all Cases whatsoever, instead of causing a Sentence of Cashiering to be put in execution, to order the Offender to be reprimanded, or, in addition thereto, to suffer such Loss of Army or Regimental Rank or both, as may be deemed expedient.

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26. ON the first and on every subse-  
quent Conviction for Desertion, the Court-  
martial, in addition to any other Punish-  
ment, may order the Offender to be marked  
Two Inches below and One Inch in rear of  
the Nipple of the Left Breast with the  
Letter D, such Letter not to be less than  
an Inch long, and to be marked upon the  
Skin with some Ink or Gunpowder, or other  
Preparation, so as to be clearly seen, and  
not liable to be obliterated;—a Court-  
martial recommending that an Offender be  
discharged with Ignominy may also recom-  
mend that he be marked on the Right  
Breast with the Letters B. C., and such Re-  
commendation may legally be carried into  
effect by the Military Authorities.

Marking  
Deserters, or  
Soldiers  
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27. A GENERAL, Garrison, or Dis-  
trict Court-martial may sentence any Soldier  
to Imprisonment, with or without Hard La-  
bour, and with or without Solitary Confinement,  
but such Solitary confinement shall  
not exceed the Periods prescribed by the  
Articles of War;—and any Regimental  
or Detachment Court-martial may sentence  
any Soldier to Imprisonment, with or with-  
out Hard Labour, for any Period not ex-  
ceeding Forty-two Days, and with or with-  
out Solitary Confinement not exceeding the  
Periods prescribed by the Articles of War.

Power of Im-  
prisonment  
by different  
Kinds of  
Courts-  
martial.

28. WHENEVER Sentence shall be  
passed by a Court-martial on an Offender  
already

As to Imprisonment of  
Offenders  
already un-  
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already under Sentence either of Imprisonment or of Penal Servitude, the Court may award a Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial, to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which any of those Punishments could be otherwise awarded.

Regulations  
as to Military  
Prisons.

29. IT shall be lawful for the Secretary of State for the War Department to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building or any Two or more Buildings shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; —and every Military Prison which, under the Provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a Public Prison within the Meaning of this Act; —and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be

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be exercised by the Secretary of State for the War Department ;—and it shall be lawful for the said Secretary of State from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of the Offenders confined therein ;—and it shall be lawful for the said Secretary of State from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor, or Provost Marshal, and all other necessary Officers and Servants, for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officers, or Servant of any such Military Prison ;—and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person or Persons as the said Secretary of State may from Time to Time appoint, shall be a Visitor or Visitors of such Prison ;—and the said Secretary of State may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command ;—and the said Secretary of State shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed.

observed and enforced, and the same shall accordingly be observed and enforced, within such Prison ;—and every Inspector, Visitor, and Governor of any such Military Prison shall, subject to such Rules and Regulations as may from Time to Time be made by the said Secretary of State, have and exercise in respect of such Prison, and of the Governor, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

As to the Custody of Military Offenders under Sentence of Court-martial and in other Cases.

30. EVERY Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Offence of which he shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and Hour of the Day

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Day on which he is to be released ; — and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose ; — and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

31. IN the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of the United Kingdom, it shall be lawful for the General commanding in chief, or the Adjutant General, or the Officer who confirmed the Proceedings of the Court, or the Officer commanding the District or Garrison

As to the Removal of Prisoners.

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in which such Prisoner may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place in the United Kingdom, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial ;— and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a Court-martial in any public Prison other than such Military Prison as aforesaid, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions other than the United Kingdom, it shall be lawful for the General commanding in chief or the Adjutant General of Her Majesty's Forces in the Case of any such Prisoner, and for the Commander-in-chief in *India* in the Case of any Prisoner so confined in any Part of Her Majesty's *Indian* Dominions, and for the General commanding in chief in any Presidency in *India* in the Case of a Prisoner so therein confined, and for the Officer commanding in chief or the Officer who confirmed the Proceedings of the Court at any Foreign Station in the Case of a Prisoner so there confined, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged or be delivered over to Military Custody, whether

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whether for the Purpose of being removed to some other Prison or Place in any Part of Her Majesty's Dominions, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial;—and in the Case of any Prisoner who shall be removed by any such Order from any such Prison, Gaol, or House of Correction either within the United Kingdom or elsewhere, to some other Prison or Place either in the United Kingdom or elsewhere, the Officer who gave such Order shall also give an Order in Writing directing the Governor, Provost Marshal, Gaoler or Keeper of such other Prison or Place to receive such Prisoner into his Custody, and specifying the Offence of which such Prisoner shall have been convicted, and the Sentence of the Court, and the Period of Imprisonment which he is to undergo, and the Day and the Hour on which he is to be released;—and such Governor, Provost Marshal, Gaoler or Keeper shall keep such Offender in a proper Place of Confinement, with or without Hard Labour, and with or without Solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order or until he be duly discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose;—and in the Case of a Prisoner undergoing Imprisonment or Penal Servitude under the Sentence of a

Court-martial in any Military Prison in any Part of Her Majesty's Dominions or in the *Ionian Islands*, the Secretary of State for the War Department, or any Person duly authorized by him in that Behalf, shall have the like Powers in regard to the Discharge and Delivery over of such Prisoners to Military Custody as may be lawfully exercised by any of the Military Authorities above mentioned in respect of any Prisoners undergoing Confinement as aforesaid in any public Prison other than a Military Prison, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions;— and such Prisoner, in any of the Cases herein-before mentioned, shall accordingly on the Production of any such Order as is herein-before mentioned, be discharged or delivered over, as the Case may be:— PRO-VIDED always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in such Military Custody under such Order as aforesaid shall be reckoned as Imprisonment under the Sentence for whatever Purpose such Detention shall take place;—and such Prisoner may during such Time, either when on board Ship or otherwise, be subjected to such Restraint as is necessary for his Detention and Removal.

Provision  
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32. THE Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Domi-

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nions, shall diet and supply every Soldier imprisoned therein under the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, in *Great Britain and Ireland* One Shilling *per Diem*, and in other Parts of Her Majesty's Dominions Sixpence *per Diem*, which the Secretary of State for the War Department shall cause to be issued out of the Sub-sistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of One Shilling or of Sixpence *per Diem*, as the Case may be, shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed;—in *India* the Expenses incurred under the Provisions of this Section shall be paid in the same Manner as the other Expenses of such Prison, or as may be provided by the Laws or Regulations to be made in that Behalf.

33. EVERY Gaoler or Keeper of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to know or believe, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve

prisoned in  
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Expiration  
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Soldiers in  
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Her Majesty on the Expiration of his Imprisonment, shall forthwith, or as soon as may be, give, if in *Great Britain* to the Secretary of State for the War Department, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, or if in *India* to the Adjutant General of the Army, or to the nearest Military Authority with whom it may be convenient to communicate, Notice of the Day and Hour on which the Imprisonment of such Person will expire; and every such Gaoler or Keeper is hereby required to use his best Endeavours to ascertain and report in all Cases where practicable the particular Regiment or Corps, Battalion of a Regiment or Battery of Artillery, to which such Soldier belongs, and also whether he belongs to the Depôt or the Head Quarters of his Regiment; and in the event of his being a Recruit who has not joined, that it may be so stated in his Report, together with the Name of the Place where the Man enlisted: —IN all Cases where the Soldier in Custody is under Sentence to be discharged from the Service on the Completion of his Term of Imprisonment, and the Discharge Document is in the Hands of the Gaoler, such Gaoler shall not be required to make any Report thereof to the Secretary of State for War, or to the Military Authorities herein-before referred to.

Apprehen-  
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34. UPON reasonable Suspicion that a Person is a Deserter it shall be lawful for

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any Constable, or if no Constable can be immediately met with, then for any Officer or Soldier in Her Majesty's Service, or other Person, to apprehend or cause to be apprehended such suspected Person, and forthwith to bring him or cause him to be brought before any Justice living in or near the Place where he was so apprehended and acting for the County or Borough wherein such Place is situate or for the County adjoining such first-mentioned County or such Borough;— and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and from Time to Time to defer the said inquiry and to remand the said suspected Person in the Manner prescribed by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, Chapter Forty-two, Section Twenty-one, and subject to every Provision therein contained, and if it shall appear to the Satisfaction of such Justice by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, confirmed by some corroborative Evidence upon Oath or by the Knowledge of such Justice, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in civil Custody to the Head Quarters or Depôt of the Regiment or Corps to which he belongs, if stationed within a convenient and easily accessible Distance from the Place of Commitment, or it not so stationed then to the

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nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of his Act) or Police Station legally provided as a Lock-up House for temporary Confinement of Persons taken into Custody, whether such Prison or Police Station be in the County or Borough in which such suspected Person was apprehended or in which he was committed, or not;— or if the Deserter has been apprehended by a Party of Soldiers of his own Regiment or Corps in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody;—and such Justice shall transmit an Account of the Proceedings, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of State for the War Department, specifying therein whether such Deserter was delivered to his Regiment or Corps, or to the Party of his Regiment or Corps, in order to his being taken to the Head Quarters or Dépôt of his Regiment or Corps, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by and Order from the Office of the said Secretary of State and proceeded against according to Law;— and such Justice shall also send to the said Secretary of State a Report stating the Names of the Persons by whom or by or through whose Means the Deserter was apprehended and secured;

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— and the said Secretary of State shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the said Secretary of State shall be satisfied that are entitled to according to the true Intent and Meaning of this Act; — and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; — and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who, in the Absence of a Military Medical Officer, may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of State for the War Department, and transmit also to the said Secretary of State a Copy of the Commitment, to the end that such Secretary of State may order Repayment of such Fees; — and when any such Person shall be apprehended and committed as a Deserter in any Part of Her Majesty's Foreign Dominions the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment or Corps to which he is suspected to belong shall not be in such Part, or, if the Regiment or Corps be in such Part, the Justice

In Her Majesty's Foreign Dominions.

may deliver him into Custody at the nearest Military Post if within reasonable Distance, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post ; — and such Justice shall in every Case transmit to the General or other Officer commanding a Descriptive Return in the Form prescribed in the Schedule to this Act annexed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law ; — and such Descriptive Return, purporting to be duly made and subscribed in accordance with the Act, shall, in the Absence of Proof to the contrary, be deemed sufficient Evidence of the Facts and Matters therein stated : —

Transfer of  
Deserters.

**PROVIDED** always, that any such Person so committed as a Deserter in any Part of Her Majesty's Dominions shall, subject to the Provisions herein-after contained, be liable to be transferred by Order of the General or other Officer commanding to serve in any Regiment or Corps or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment or Corps to which Her Majesty may deem it desirable that he should be transferred, and shall also be liable after such Transfer of Service to be tried and punished as a Deserter.

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**35, EVERY** Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confine-

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confine therein every Deserter who shall be  
delivered into his Custody by any Soldier  
or other Person conveying such Deserter  
under lawful Authority, on Production of  
the Warrant of the Justice of the Peace  
on which such Deserter shall have been  
taken, or some Order from the Office of  
the Secretary of State for the War Depart-  
ment, which Order shall continue in force  
until the Deserter shall have arrived at his  
Destination; and such Gaoler or Keeper  
shall be entitled to One Shilling for the safe  
Custody of the said Deserter while halted  
on the March, and to such Subsistence for  
his Maintenance as shall be directed by Her  
Majesty's Regulations.

36. ANY Recruit for Her Majesty's Desertion  
Army who, having been attested or received of Recruits  
Pay other than Enlisting Money, shall prior to  
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for which he has enlisted, shall, on being Regiments  
apprehended, and committed for such Deser- or Corps.  
tion by any Justice of the Peace upon the  
Testimony of One or more Witnesses upon  
Oath, or upon his own Confession, forfeit  
his personal Bounty, and be liable to be  
transferred to any Regiment or Corps to  
Depot nearest to the Place where he shall  
have been apprehended, or to any other  
Regiment or Corps to which Her Majesty  
may deem it more desirable that he should  
be transferred:—PROVIDED always,

that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty except the Forfeiture of their Personal Bounty.

Fraudulent  
Confession  
of Desertion.

37. ANY Person who shall confess himself to be a Deserter from Her Majesty's Forces, or from the Embodied Militia, shall be liable to be taken before any Two Justices of the Peace acting for the County, District, City, Burgh, or Place where any such Person shall at any Time happen to be when he shall be brought before them, and on Proof that any such Confession as aforesaid was false, shall by the said Justices be adjudged to be punished, if in *England* as a Rogue and Vagabond, and if elsewhere by Commitment to some Prison or House of Correction, there to be kept to Hard Labour for any Time not exceeding Three Calendar Months;—and if, when such Person shall be brought before the said Justices, it shall be proved to their Satisfaction that such Confession has been made, but Evidence of the Truth or Falseness of such Confession shall not at that Time be forthcoming, such Justices within the United Kingdom are hereby required to remand such Person in the Manner hereinbefore mentioned, and to transmit a Statement of the Case to the Secretary of State for the War Department, with a Request to be informed whether such Person appears to belong or to have belonged to the Regiment or Corps from which he shall have so

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confessed himself to have deserted ; — and a Letter from the War Office in reply thereto, referring to such Statement, and purporting to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in Evidence against such Person, and shall be deemed to be legal Evidence of the Facts stated therein, and on the Receipt thereof the said Justices shall forthwith proceed to adjudicate upon the Case.

38. WHEN there shall not be any Furlough in Military Officer of Rank not inferior to case of Sick- Captain, or any Adjutant of Regular Mi- ness. litia; within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to Grant an Extension of Furlough for a period not exceeding One Month ; — and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not then to the Agent of the Regiment or Corps, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough



**Furlough** be liable to be treated as a **Deserter**:—**PROVIDED** always, that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate or by a Jury to be tried by a Court-martial for the same Offence.

39. NO Person subject to this Act, having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again convicted for the same Crime or Offence by a Court-martial, or to be punished for the same otherwise than by cashiering in the Case of a Commissioned Officer, or in the Case of a Warrant Officer by Reduction to an inferior Class or to the Rank of a Private Soldier by Order of the Commander-in-Chief, or in the Case of a Non-commissioned Officer by Reduction to the Ranks by Order of the Commander-in-Chief or of the Colonel, or in the Militia by Order of the appointed Commandant of the Regiment or Corps;—and whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding

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ing the Regiment or Corps to which such Officer or Soldier shall belong, transmit to him a Certificate, setting forth the Offence of which the Prisoner was convicted, together with the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

40. ANY Person attested for Her Majesty's Army, or serving on the permanent Staff of the Disembodied Militia or Volunteers other than as a Commissioned Officer, shall be liable to be taken out of Her Majesty's Service only by Process or Execution on account of any Charge of Felony or of Misdemeanor, or of any Crime or Offence other than the Misdemeanor of absenting himself from his Service, or neglecting to fulfil his Contract, or otherwise misconducting himself respecting the same, or the Misdemeanor of refusing to comply with an Order of Justices for the Payment of Money, or on account of an original Debt proved by Affidavit of the Plaintiff or of some one on his Behalf to amount to the Value of Thirty Pounds at the least, over and above all Costs of Suit, such Affidavit to be sworn, without Payment of any Fee, before some Judge of the Court out of which Process or Execution shall issue, or before some Person authorized

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rized to take Affidavits in such Court, of which Affidavit, when duly filed in such Court, a Memorandum shall, without Fee, be endorsed upon the Back of such Process, stating the Facts sworn to, and the Day of filing such Affidavit ; — but no Soldier or other Person as aforesaid shall be liable by any Process whatever to appear before any Justice of the Peace or other Authority whatever, or to be taken out of Her Majesty's Service by any Writ, Summons, Warrant, Order, Judgement, Execution, or any Process whatsoever issued by or by the Authority of any Court of Law, or any Magistrate, Justice or Justices of the Peace, or any other Authority whatsoever, for any original Debt not amounting to Thirty Pounds, or for not supporting or maintaining, or for not having supported or maintained, or for leaving or having left chargeable to any Parish, Township, or Place, or to the Common Fund of any Union, any Relation or Child which such Soldier or Person might, if not in Her Majesty's Service, be compellable by Law to relieve or maintain, or for neglecting to pay to the Mother of any Bastard Child, or to any Person who may have been appointed to have the Custody of such Child, any sum to be paid in pursuance of an Order on that Behalf or for the Breach of any Contract, Covenant, Agreement, or other Engagement whatever, by Parol or in Writing, or for having left or deserted his  
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Employer or Master, or his Contract, Work, or Labour, or misconducting himself respecting the same, except in the Case of an Apprentice, or of an indentured Labourer, as herein-after described; and all Summonses Warrants, Commitments, Indictments, Convictions, Judgments, and Sentences, on account of any of the Matters for which it is herein declared that a Soldier or other Person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all Intents and Purposes;—and any Judge of any such Court may examine into any Complaint made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to have been arrested contrary to the Intent of his Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid, or a Writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the Discharge of any such Soldier out of Custody shall be ordered thereupon;—**PROVIDED** that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters, may proceed in any Action or  
Suit

Suit to Judgment, and have Execution other than against the Body or Military Necessaries or Equipments of such Soldier; —PROVIDED also, that nothing herein contained relating to the leaving or deserting a Master or Employer, or to the Breach of any Contract, Agreement, or Engagement, shall apply to Persons who shall be really and *bonâ fide* Apprentices, duly bound, under the Age of Twenty-one Years, or to indentured Labourers, as herein-after prescribed.

Officers not  
to be Sheriffs  
or Mayors.

41. NO Person who shall be commissioned and in full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County, Borough, or other Place, or to be Mayor, Portreeve, Alderman, or to hold any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Questions to  
be put to  
Recruits on  
enlisting.

42. EVERY Person authorized to enlist Recruits shall first ask the Person offering to enlist, whether he belongs to the Militia, and also such other Questions as the Military Authorities may direct to be put to Recruits, and shall immediately after giving him Enlisting Money serve him with a Notice in the Form set forth in the Schedule to his Act annexed.

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43. **EVERY** Person who shall receive Recruits, Enlisting Money in manner aforesaid, when knowing it to be such, shall, subject to deemed to be enlisted. the Provisions herein-after contained, upon such Receipt be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted.

44. **EVERY** Person so enlisted as When Re- aforesaid shall within Ninety-Six Hours cruits to be (any intervening *Sunday, Christmas Day,* taken before or *Good Friday* not included), but not a Justice. sooner than Twenty-four Hours after such Enlistment, appear, together with some Person employed in the Recruiting Service, before a Justice of the Peace, not being an Officer of the Army, in order that he may be attested by making the Declaration and taking the Oath herein-after mentioned, or may have an Opportunity of objecting to his Enlistment; — and upon such Appearance, the Justice or some Person deputed by him shall fill up the Declaration set forth in the Schedule to this Act annexed, first asking the Recruit the Questions that are requisite for that Purpose, and cautioning him that if he should make any wilfully false Answer thereto, he will be liable to be punished as a Rogue and Vagabond.

45. **WHEN** a Recruit upon appearing Dissent and before a Justice for the Purposes aforesaid Relief from shall Enlistment.

shall dissent from or object to his Enlistment, and shall satisfy the Justice that the same was effected in any respect irregularly, he shall forthwith discharge the Recruit absolutely, and shall report such Discharge to the Inspecting Field Officer of the District, or in the Case of a Recruit enlisted at the Head Quarters or Depôt of a Regiment to the Officer commanding the same ; — but if the Recruit so dissenting shall not allege or shall not satisfy the Justice that the Enlistment was effected irregularly, nevertheless, upon Repayment of the Enlisting Money, and of any Sum received by him in respect of Pay, and of a further Sum of Twenty Shillings as Smart Money, he will be entitled to be discharged, and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and, after deducting therefrom One shilling as the Fee for reporting the Payment to the Secretary of State for the War Department and to the Inspecting Field Officer of the District, shall be paid over to any Person belonging to the Recruiting Party who may demand the same ; — and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Attesting of  
Recruits.

46. IF the Recruit on appearing before a Justice shall not dissent from his Enlistment,

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ment, or dissenting shall within Twenty-four Hours return and declare that he is unable to pay the Sums mentioned in the last Section, the Justice shall require him to make the Declaration herein-before mentioned in the usual Manner, and shall then administer to him the Oath of Allegiance in the Form set forth in the Schedule to this Act annexed;—and when the Recruit shall have signed the said Declaration, and taken the said Oath, the Justice shall attest the same by his Signature, and shall deliver to the Recruiting Officer the Declaration so signed and attested;—and the Fee for such Attestation, including the Declaration and Oath, shall be One Shilling and no more;—and any Recruit shall, if he so wish, be furnished with a certified Copy of the above-mentioned Declaration by the Officer who finally approved of him for the Service.

47. NO recruit, unless he shall have been attested or shall have received Pay other than Enlisting Money, shall be liable to be tried by Court-martial;—but if any Recruit, previously to his being attested, shall by means of any false Answer obtain Enlistment Money, or shall make any false Statement in his Declaration, or shall refuse to answer any Question duly authorized to be put to Recruits for the Purpose of filling up such Declaration, or shall refuse or neglect to go before a Justice for the

Recruits, until they have been attested or received Pay, not triable by Court-martial; but in certain Cases punishable as Rogues and Vagabonds.

Purposes



Purposes aforesaid, or, having dissented from his Enlistment, shall wilfully omit to return and pay such Money as aforesaid in any of such Cases it shall be lawful for any Two Justices within the United Kingdom, or for any One Justice out of the United Kingdom, acting for the County, District, City, Burgh, or Place where and to which such Recruit shall at any Time happen to be, to adjudge such Recruit, when he shall be brought before them or him, if in *England*, to be a Rogue and Vagabond, and to sentence him to be punished accordingly; and if in *Scotland* or *Ireland*, or elsewhere in Her Majesty's Dominions, to be imprisoned with Hard Labour in any Prison or House of Correction for any Period not exceeding Three Calendar Months;—and the Declaration made by the Recruit on his Attestation purporting to be made and subscribed in accordance with the Schedule to this Act annexed shall, in the Absence of Proof to the contrary, be deemed sufficient Evidence of such Recruit having represented the several Particulars as stated in such Declaration.

Attested Recruits triable in some Cases either before Two Justices or before a Court-martial.

48. ANY Recruit who shall have been attested, and who shall afterwards be discovered to have given any wilfully false Answer to any Question directed to be put to Recruits, or shall have made any wilfully false Statement in the Declaration hereinbefore mentioned, shall be liable, at the

Discretion

Discretion of the Justices in the Court-martial, or such M

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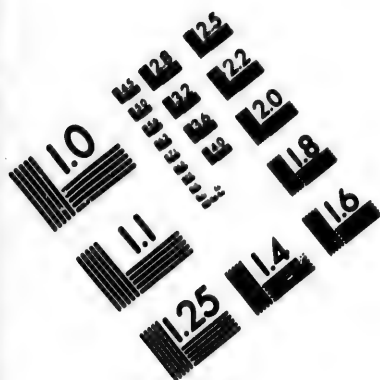
discretion of the proper Military Authorities, to be proceeded against before Two Justices in the Manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a District or Garrison Court-martial for the same, and punished in such Manner as the Court shall direct.

49. IF any Recruits shall abscond, so that it is not possible immediately to apprehend and bring him before a Justice for attestation, the Recruiting Party shall produce to the Justice before whom the Recruit might regularly to have been brought for that Purpose, a Certificate of the Name and Place of Residence, and Description of such Recruit, and of his having absconded, and shall declare the same to be true : — and the Justice to whom such Certificate shall be produced shall transmit a Duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the *Police Gazette*.

50. IF any Man while belonging to a Militia Regiment, or to the permanent staff of the Volunteer Force, shall enlist and be attested for Her Majesty's Army, he shall be liable to be tried before a Court-martial on a Charge for Desertion ; — that it shall be lawful for the Secretary of State for the War Department, on the Commission thereof by such Man, to order that in lieu of his being so tried he shall be subjected

Militiamen  
enlisting  
into Regular  
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subjected to a Stoppage of One Penny Day of his Pay for Eighteen Calendar Months, to be applied as the said Secretary of State shall direct, and further to determine whether such Man shall be returned to his Militia Regiment, or to the permanent Staff of the Volunteer Force, as the Case may be, after such Sum shall have been made good, or shall be deemed to be a Soldier, in the same Manner as he would have been if he had not been a Militiaman or on the permanent Staff of the Volunteer Force, at the Time of his Attestation, which latter Case his Service as a Soldier shall not be reckoned for Pension until the Day on which his Engagement for the Militia, or Attestation on the permanent Staff of the Volunteer Force, would have expired: — PROVIDED that in the Case of the Militia should the Regiment within the United Kingdom the Secretary of State for the War Department shall not make such Order without the Consent of the Commanding Officer of the Militia Regiment from which the Man shall have deserted.

Punishment  
of Persons  
offending  
against Laws  
relating to  
Enlistment.

51. EVERY Person subject to the Act who shall wilfully act contrary to any of its Provisions in any Matter relating to the enlisting or attesting of Recruits for Her Majesty's Army shall be liable to be tried for such Offence before a General District, or Garrison Court-martial, and

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be sentenced to such Punishments other than Death or Penal Servitude as such Courts may award.

52. IT shall be lawful for any Justice of the Peace or Person exercising the Office of a Magistrate within any of Her Majesty's Dominions abroad, or in any Colony, for any other Person duly authorized in that Behalf by the Governor or Officer administering the Government of such Colony ; — or in the *Ionian Islands*, for any Person duly authorized in that Behalf by the Lord High Commissioner ; — or in Her Majesty's Dominions in *India* for any Person duly authorized in that Behalf by the Governor General or Lieutenant Governor, or other Officer administering the Government of any Presidency, Division, or Province ; — or within the Territories of any Foreign State in *India* for the Person performing the Duties of the Office of British Resident therein, or for any other Person duly authorized in that Behalf by the Governor General, to enlist and attest or to re-engage within the local Limits of their several Authorities any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Army ; — and any such Magistrate or Person as aforesaid shall have the same Powers in that Behalf as are given by this or any other Act of Parliament to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation ;

Enlistment  
and Re-  
enlistment  
and Transfer  
to another  
Corps  
abroad.

**Attestation ;**—but no such Magistrate or other Person authorized to enlist and attest as above mentioned shall be a General Officer or hold any Regimental Commission —and all such Appointments, past and future, and everything done or to be done under them, shall be valid and of full Effect notwithstanding the Expiration of this Act or of any other Act of Parliament ; — and any Person so attested shall be deemed to be an attested Soldier ; — and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain — and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier

Soldiers  
transferred  
from one  
Service to  
another.

**53.** IT shall be lawful for the Commander-in-Chief, or for any Officer authorized by him in that Behalf, to direct that any Soldier attested for any one Branch of the Service shall, on the Application of his Commanding Officer, and with his own Consent, be transferred to some other Branch of the Service, or to some other Regiment or Corps in the same Branch of the Service, either within the United Kingdom

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him ; — but any Soldier attested for the  
Infantry, and at his own Request trans-  
ferred to the Cavalry, Artillery, or En-  
gineers, shall be bound to serve for the full  
Term of such Service as if originally en-  
listed therein, and any Soldier at his own  
Request transferred from either of such  
before-mentioned Services to the Infantry  
shall be liable to serve for the Term of  
his original Enlistment : — PROVIDED  
always, that any Soldier who may have  
volunteered for the Army Hospital Corps  
shall be liable, by Order of the Military  
Authorities above mentioned, to be re-  
transferred to his former Corps for Mis-  
conduct, Unfitness, or any other reasonable  
Cause.

54. ANY Soldier at any Time during  
the last Six Months of the Term of limited  
service for which he shall have first enga-  
ged, or after the Completion of such Term,  
may, with the Consent of his Commanding  
officer, if approved by competent Military  
authority as a fit Person for Her Majesty's  
service, be re-engaged to serve for the  
further Term of Eleven Years in the In-  
fantry, and Twelve Years in the Cavalry,  
and Nine Years in the Artillery or Engi-  
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Form given in the Schedule annexed to this Act, before any One of Her Majesty's Justices of the Peace in *Great Britain* or *Ireland*, or if not in *Great Britain* or *Ireland* before any Person duly appointed to enlist and attest out of *Great Britain* and *Ireland* any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Service——and on the Expiration of the Second Term of limited Service for which any Soldier shall have engaged, the said Second Term of limited Service may be prolonged for such further Time, not exceeding Two Years, as shall be directed by the Commanding Officer of the Station where such Soldier may be at the Time of the Expiration of such Service;——and any Soldier who shall give Notice to his Commanding Officer, after completing his Second Term of limited Service, that he is desirous of continuing in Her Majesty's Service, and being approved by competent Military Authority, may be continued in such Service as a Soldier so long as he shall desire to be so continued, and until the Expiration of Three Calendar Months after he shall have given Notice to his Commanding Officer of his Wish to be discharged, and for that Purpose shall be considered in all respects during such Time as if his Term of Service were still unexpired.

Enlistment  
of Negroes.

55. ALL Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions

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sions, shall have voluntarily enlisted into Her Majesty's Service, shall, while serving, be deemed to be Soldiers legally enlisted into Her Majesty's Service, and be entitled to all the Privileges of natural-born Subjects;—and all Negroes purchased by or on account of Her Majesty previous to the total Abolition of Slavery throughout the *British Colonies*, and serving in any of Her Majesty's Forces, and all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

56. ANY Person duly bound as an Apprentice in *Great Britain* or *Ireland*, or as an indentured Labourer in any of Her Majesty's Colonies or Possessions abroad, who shall enlist as a Soldier in Her Majesty's Army, and shall falsely state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice or indentured Labourer as aforesaid, shall be deemed guilty of obtaining Money under false Pretences, if in *England* or in *Ireland*, or in the Colonies or Possessions aforesaid, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, or of his indenture as a Labourer, whether he shall

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

Claims of  
Masters to  
Appren-  
tices.

have been so convicted and punished or not, be liable to serve as a Soldier in Her Majesty's Army, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship, or of his indenture as a Labourer, he shall not deliver himself up to some Officer authorized to receive Recruits, such Person may be taken as a Deserter from Her Majesty's Army;— and no Master shall be entitled to claim an Apprentice or an indentured Labourer as aforesaid who shall enlist as a Soldier in Her Majesty's Army, or shall be serving in the Embodied Militia, unless he shall, within One Calendar Month after such Apprentice or indentured Labourer shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and shall produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Five Years, not having been above the Age of Fourteen when so bound, and if in *Ireland* or in the *British Isles*, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested,

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and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture was so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age : — PROVIDED always, that any Master of an Apprentice indentured for the Sea Service, or of any indentured Labourer in Her Majesty's Colonies or Possessions abroad, shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice or indentured Labourer may have been bound for a less Term than Five or Four Years as aforesaid : — PROVIDED also, that any Master who shall give up the Indentures of his Apprentice or of his Labourer as aforesaid within One Month after the enlisting of such Apprentice or indentured Labourer shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit

as shall not have been paid to such Recruit before Notice given of his being an Apprentice or an indentured Labourer.

Punishment  
of Appren-  
tices enlist-  
ing.

57. NO Apprentice or indentured Labourer claimed by his Master as aforesaid shall be taken from any Corps or Recruiting Party, except under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice or indentured Labourer shall then happen to be, before whom he shall be carried;—and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice or indentured Labourer;—and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the County, Division, or Place for which such Justice is acting, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of such County, Division, or Place, unless the Court shall  
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for just Cause put off the Trial;—and the Production of the Indenture, with the Certificate of the Justice that the same was proved, shall be sufficient Evidence of the said Indenture;—and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment:—PROVIDED always, that any Justice not required as aforesaid to commit such Apprentice or indentured Labourer may deliver him to his Master.

58. NO Person who shall for Six Months, either before or after the passing of this Act, have received Pay and been borne on the Strength and Pay List of any Regiment or Corps, or Depôt or Battalion of a Regiment or Corps (of which the last Quarterly Pay List, if produced, shall be Evidence), shall be entitled to claim his Discharge on the Ground of Error of Illegality in his Enlistment or Attestation, or on any other Ground whatsoever; but, on the contrary, every such Person shall be deemed to have been duly enlisted and attested.

Removal of  
Doubts as to  
Attestation  
of Soldiers.

59. NO Secretary of State for the War Department, Paymaster General of the Army, Paymaster, or any other Officer, whatsoever, or any of their under Officers, shall

Authorized  
Deductions  
only to be  
made from  
the Pay of  
the Army.



shall receive any Fees or make any Deductions whatsoever, out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of April One thousand eight hundred and sixty-three, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be authorized or required by Her Majesty's Regulations or Articles of War, or by Statute Twenty-six and Twenty-seven *Victoria*, Chapter Sixty-five, Section Eight (Volunteer Act), or by Her Majesty's Order signified by the Secretary of State for the War Department;—and every Paymaster or other Officer who having received any Officer's or Soldier's Pay shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, shall, if he demand it, be discharged from any further Service.

Suspending  
Operation  
of certain  
Acts herein  
recited.

60. AND whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against

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against their Wills ;—and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever ;—

AND whereas by an Act passed in the Parliament of *Ireland* in the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, Section Eight, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, nor any Yeoman of the Guard or Battle-axes, nor any Officer commanding the said Yeomen, nor any Servant of any such Officer, should at any Time thereafter have received or be allowed any Quarters in any Part of *Ireland*, save only

6 Anne, c.  
14, s. 8. (I.)



only during such Time or Times as he or they should be on their March as in the same Act is before mentioned, or during such Time as he or they should be and remain in some Seaport Town or other Place in the Neighbourhood of a Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army, or any considerable Part thereof, should be commanded to march from one Part of *Ireland* to another :— BUT forasmuch as there is and may be Occasion for the marching and quartering of Regiments, Corps, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, the said several Provisions of the said recited Acts shall be suspended and cease to be of any Force or Effect during the Continuance of this Act.

Certain Requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

61. AND whereas by the Eleventh Section of the said Act of the Sixth Year of the Reign of Queen *Anne*, Chapter Fourteen, it is provided and enacted, that no Civil Magistrate or Constable should be obliged to find Quarters for or give Billets to more or other Soldiers than those only whose true Christian and Surnames should be delivered to him in Writing under the Hand of the Officer desiring Quarters or Billets for such Soldiers at the Time such Quarters or Billets should be desired, and that

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that all such Names should be written together and delivered in One Piece of Paper, signed as aforesaid, and that the Christian and Surnames of every Soldier to be quartered or billeted, together with the Name of the Person on whom he or they should be billeted or quartered, should be given in Writing by the Constable or Civil Officer billeting or quartering such Soldier, and be contained in the Billet given by such Civil Officer:—AND whereas it has been found inconvenient and difficult to comply with all the Requirements of the said Enactment:—It shall not be necessary, so long as this Act shall continue in force, for any Officer, upon the Occasion of his requiring Quarters or Billets for any Soldiers in *Ireland*, to deliver to the Constable or other Person whose Duty it shall be to find or give the same any List of the Names of the Soldiers to be so quartered or billeted; —and it shall not be necessary for the Constable or other such Person as aforesaid to set forth in any Billet the Name of any Soldier to be billeted or quartered, but only the Number of the Soldiers, or the Number of the Soldiers and Horses respectively, as the Case may require, to be billeted or quartered on the Person named in the Billet, and to whom the same shall be addressed.

62. IT shall be lawful for all Constables of Parishes and Places, and other Persons

How and where Troops may be billeted.

specified in this Act, in *Great Britain* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service, and Out-pensioners when assembled as a local Force by competent Authority, and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry, as specially provided);—and they shall be received by the Occupiers of the Houses in which they are so billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *Great Britain* shall also be furnished with Diet and Small Beer, and in *Great Britain* and *Ireland* with Stables, Oats, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided;

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—and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route, Care being always taken that Billets be made out for the less distant Houses in which suitable Accommodation can be found, before making out Billets for the more distant ;—and in all Places where Cavalry shall be billeted in pursuance of this Act, each Man and his Horse shall be billeted in One and the same House, except in case of Necessity ;—and, except in case of Necessity, One Man at least shall be billeted where there shall be One or Two Horses, and Two Men at least where there shall be Four Horses, and so in proportion for a greater Number ;—and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards ;—and the Constables are hereby required to billet all Soldiers and their Horses on their March in the Manner required by this Act, upon the Occupiers of all Houses within One Mile of the Place mentioned in the Route, and whether they be in the same or in a different County, in like Manner in every respect as if such Houses were all locally situated within such Place : — PROVIDED, that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs, when the

the Constable of the adjoining County shall be present and shall undertake to billet the due Proportion of Men in such adjoining County ;—and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted ;—all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present ;—and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice then to Two or more Justices, within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed and to be billeted upon other Persons, as they shall see Cause ;—and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be quartered by virtue of this Act who shall have no Stables, then and in such Cases upon the written Requisition of the Commanding Officer of the Regiment, Company, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables and who are by this Act liable to have Officers and Soldiers billeted upon them

—and

—and upon Complaint being made by the Person or Persons to whose House or Stables the said Men or Horse shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person removed to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; — and Commanding Officers may exchange any Man or Horses billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses respectively; — and the Constables as hereby required to billet such Men and Horses so exchanged accordingly; — and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or to enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops: — PROVIDED that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers



Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to the Houses:— PROVIDED always, that no Officer shall be compelled or compellable to pay anything for his Lodging where he shall be duly billeted.

Billeting  
the Guards  
in and near  
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ster.

63. THE Officers and Soldiers of Her Majesty's Foot Guard shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*), and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act;— and the High Constables shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionably on the Houses subjected thereto by this Act;—and the said Constables shall, at every General Sessions of the Peace to be holden for the said City and Liberties, Counties and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which

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which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward;—and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Twopence *per* Sheet for the same, each Sheet to contain at least One hundred and fifty Words.

64. NO Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Corps, Troop, or Company under the immediate Command of such Justice, and all Warrants, Acts, and Things made, done, and appointed by such Justice for or concerning the same shall be void.

Military Officers not to act as Justices in billeting

65. THE Innholder or other Person on whom any Soldier is billeted in *Great Britain* shall, if required by such Soldier, furnish him for every Day of the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the

Allowance to Innkeepers.



the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Tenpence, and Twopence Halfpenny for a Bed ;— and all Innholders and other Persons on whom Soldiers may be billeted in *Great Britain* or *Ireland*, except when on the March in *Great Britain* and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldiers with a Bed and with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of Fourpence *per Diem*, for each Soldier ;—and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *Great Britain* or *Ireland*, for Ten Pounds of Oats, Twelve Pounds of Hay, and Eight Pounds of Straw, shall be One Shilling and Ninepence *per Diem* for each Horse ; — and every Officer or Non-commissioned Officer commanding

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commanding a Regiment, Detachment, or Party, shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle and discharge the just Demands of all Victuallers or other Persons upon whom such Officers, Soldiers, or Horses are billeted, out of the Pay and Subsistence of such Officers and Soldiers, before any Part of the said Pay or Subsistence be distributed to them respectively;—and if any such Officer or Non-commissioned Officer shall not pay the same as aforesaid, then, upon Complaint, and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary of State for the War Department is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Agent of the Regiment or Corps to pay the Sums due to such Victuallers or other Persons as aforesaid, and to charge the same against such Officers;—and in case any Soldier be suddenly ordered to march, and the respective Commanding Officers or Non-commissioned Officers are not enabled to make Payment of the Sums due for the Lodging or Victualling of the Men and Stabling or Forage for the Horses,

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every such Officer or Non-commissioned Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof;—which Account and Certificate shall be transmitted by such Officer or Non-commissioned Officer to the Agent of the Regiment or Corps, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer or Non-commissioned Officer.

Interpreta-  
tion of Act.

Powers and  
Regulations  
as to Billets.

66. ALL Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided;—and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions;—and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and to all Inspectors or other Officers of Police, and to High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace,

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Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting ; — and all Powers and Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Hotels, Livery Stables, Ale-houses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drunk in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Spirits, Strong Waters, Cider, or Metheglin, by Retail, in *Great Britain* and *Ireland* ; — and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary : — PRO-VIDED that no Officer or Soldier shall be billeted in *Great Britain* in any Private Houses, or in any Canteen held or occupied under the Authority of the War Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling, Licences, nor in the House of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Shopkeeper, whose principal Dealing shall be

Exemptions  
from Billets.

be more in other Goods and Merchandise than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses, nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Supply of  
Carriages.

67. FOR the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or other Person duly authorized in that Behalf, shall, on Production to them of such Order, or a Copy thereof certified by the Commanding Officer, by some Officer or Non-commissioned Officer of the Regiment or Corps so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except

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except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles;—and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly;—and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency;—and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out, once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose, which Orders shall be valid in all respects;—and all Orders for such Carriages shall be made from such Lists in regular Rotation, as far as the same can be done.



Rates to be  
paid for  
Carriages,  
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ing thereto.

68. IN every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid ;—and the Rates to be paid for Carriages impressed shall be, in *Great Britain*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen, or Four Oxen and Two Horses, shall travel, One Shilling ;—and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundredweight, shall travel, Ninepence ;—and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundredweight, shall travel, Sixpence ;—and in *Ireland*, for every Hundredweight loaded on any Wheel Carriage, One Halfpenny *per* Mile ;—and in *Great Britain* such further Rates may be added, not exceeding a total Addition *per* Mile of Fourpence, Threepence, or Twopence, to the respective Rates of One Shilling, Ninepence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder at the Sessions of the Peace of any Municipal City, Borough, or Town ;—and the Order of such Justices or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding

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Ten Days beyond the next General Sessions ;——and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of State for the War Department within Three Days after the making thereof; —— and also in *Great Britain*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act ; —— and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand, in the Warrant, the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher ;——and the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *Great Britain*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper ;—— and in *Ireland* the Officers or Non-commissioned Officers as aforesaid shall pay the proper Sums to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable ; —— and no Carriage shall



shall be liable to carry more than Thirty Hundredweight in *Great Britain* and in *Ireland* no Car shall be liable to carry more than Six Hundredweight, and no Dray more than Twelve Hundredweight; —but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundredweight of the said Excess; —and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Threepence a Mile for each Car and Sixpence a Mile for each Dray; —and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; —PROVIDED that a Cart with One or more Horses, for which the Furnisher shall receive Ninepence a Mile, shall be required to carry Fifteen Hundredweight at the least; —and no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; —and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, et least Twenty-four Hours Notice of such March, and in case of Emergency

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agency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays, at his Discretion, out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned ; — and no Country Cars, Drays, or other Carriages coming to markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

69. IT shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary of State for the War Department, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *Great Britain* and *Ireland* to issue their Warrants for the Provision, not only of Waggon, Wains, Carts, and Cars kept

Supply of  
Carriages  
in Cases of  
Emergency.

kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Postchaises, Chaises, and other Four-wheeled Carriages kept for Hire, and of all Horses kept to draw Carriages licensed to carry Passengers, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the War Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on such Emergency as he is by this Act required to take for the ordinary Provision of Carriages; —and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each

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each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom ;——and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment, Corps, or Detachment, but also the Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

70. IT shall be lawful for the Justices Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, empowered to reimburse Constables for Sums expended by them, without Fee, out of the Public Stock of the County or Riding, or if such Public Stock be insufficient then out of Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and the Condition of the Ways by which such Carriages and Vessels are to pass ;——and in *Scotland* such Justices shall direct such Payments to be made out of the Rogue Money and Assessments directed and

and authorized to be assessed and levied by an Act of the Twentieth and Twenty-first Years of the Reign of Her present Majesty, Chapter Seventy-two.

Routes in  
Ireland.

71. IT shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Tolls.

72. ALL Her Majesty's Officers and Soldiers, on Duty or on their March, and their Horses and Baggage, and all Recruits marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying any such Persons as aforesaid, or their Baggage, or returning from conveying the same, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or in passing along or over any Turnpike or other Roads or Bridges, otherwise demand-

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able by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or Ordinance, Order or Direction of any Colonial Legislature or other Authority in any of Her Majesty's Colonies ;—  
**PROVIDED** that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

73. When any Soldiers on Service *Ferries.* have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

74. EVERY Soldier entitled to his *Marching Money on Discharge.* Discharge shall, if then serving abroad, be sent, if he shall so require, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive *Marching Money* from the Place of his being landed (or, if discharged



charged at home, shall receive Marching Money from the Place of his Discharge,) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

75. THE Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of State for the War Department of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next after the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

76. NOTHING in this Act contained shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law, when accused of Felony, or of Misdemeanor, or of any Crime or Offence other than the Misdemeanors and Offences here-

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in-before mentioned;—and if any Commanding Officer shall neglect or refuse, on application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Commanding Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster, Dublin, or Edinburgh*, or in any Court of Record in *India*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain and Ireland* or in Her Majesty's Service;—and a Certificate of such Conviction, containing the Substance and Effect of the Indictment only, omitting the formal Part, with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Punishment  
of Officers  
obstructing  
Civil Jus-  
tice.

77. FOR enforcing a prompt Observation of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, the said Agents are hereby required to observe such Orders as shall from Time to

Penalty for  
Disobedi-  
ence by  
Agents.

to Time be given by Her Majesty under Her Sign Manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of *Ireland*, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury;—and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier for a longer Period than the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he have ceased to be an Army Agent, shall for the Second and every succeeding Offense forfeit the Sum of Two hundred Pounds.

Penalty on  
trafficking  
in Commis-  
sions.

78. EVERY Person, not being an authorized Army Agent, who shall negotiate or act as Agent for or in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Army, shall forfeit for every such Offence the Sum of One hundred Pounds;—and every Person, whether authorized as an Army Agent or not, who shall receive any Money or Reward in respect of any such Purchase, Sale,

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Sale, or Exchange, or who shall negotiate or receive for any Purpose whatsoever any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed,—shall forfeit One hundred Pounds, and treble the Value of the Consideration where the Commission is not allowed to be sold, or treble the Excess of such Consideration beyond the regular Price.

79. EVERY Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence for any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds;—and any Person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Conviction before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit for every such Offence the Sum of Twenty Pounds;—and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty for procuring false Musters.

Penalty on  
unlawful  
recruiting.

80. EVERY Person (except such Person or Persons as shall be authorized by Beating Order under the Hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or Her Majesty's *Indian Forces*,—or shall open or keep any House, Place of Rendez-vous, or Office,—or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service,—or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General or from the Secretary of State in Council of *India* (as the Case may be),—shall forfeit for every such Offence a Sum not exceeding Twenty Pounds.

Penalty for  
inducing  
Soldiers to  
desert.

81. ANY Person who shall in any Part of Her Majesty's Dominions, or by any Means whatsoever, directly or indirectly, procure any Soldier to desert, or attempt to procure or persuade any Soldier to desert, and any Person, who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, or aid or assist in his Rescue, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, before any Two Justices acting for the County,

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County, District, City, Burgh, or Place where any such Offender shall at any Time happen to be, be liable to be committed to the Common Goal or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justices shall think fit.

82. ANY Officier or Soldier who shall, in pursuit of any Deserter, forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalty for forcible Entry in pursuit of Deserters.

83. IF any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, in order to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be kept to Penal Servitude for any Term not

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

not less than Four Years and not exceeding Six Years, or be imprisoned, with or without Hard Labour, for any Term not exceeding Two Years;—and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules thereof, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to be imprisoned, with or without Hard Labour, for any Time not exceeding Three Calendar Months;—and if any Person shall bring into such Prison, to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or any other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned, either with or without Hard Labour, for any Time not exceeding One Calendar Month;—and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or  
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to be imprisoned, with or without Hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall be liable for every such Offence, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, to be imprisoned, either with or without Hard Labour, for any Time not exceeding Six Calendar Months, in addition to his original Sentence, or to be subjected to Corporal Punishment not exceeding Fifty Lashes, or upon Conviction thereof by a single Visitor to be imprisoned, with or without Hard Labour, for any Time not exceeding Seventy-two Hours, in addition to his original Sentence, or to be subjected to Corporal Punishment not exceeding Twenty-five Lashes ;—or if such Soldier shall, within Forty-eight Hours of the Expiration of his original or of any additional Sentence, be guilty of any Offence against the Rules of the Prisoner, he may, for every such Offence, on Conviction thereof by a Board, or by a single Visitor, be ordered to be kept in Prison for a Period not exceeding Seventy-two Hours in either a dark or light Cell, and with or without Hard Labour or solitary Confinement, on a Bread and Water Diet or otherwise ;—and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *Great Britain*, shall be deemed to

Certain Provisions of Acts for regulating Gaols to



apply to  
Military  
Prisons.

to apply to all Military Prisons so far as any such Provision relates to such Offences; —and it shall be lawful for the Governor, Provost Marshall, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; —and all the Powers and Authorities given by any such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; — and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Penalty on  
Keepers of  
Prisons for  
refusing to  
confine, &c.  
Military  
Offenders.

84. ANY Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Military Offender in the Manner herein-before prescribed,

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prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

85. ANY Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person acting for or on his Behalf on any Pretence whatsoever, or who shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Medals for Good Conduct or for Distinguishing or other Service, Clothes, or Military Furniture,—or any Provisions,—or any Sheets or other Articles used in Barracks provided under Barrack Regulations,—or Regimental Necessaries,—or any Article of Forage provided for any Horses belonging to Her Majesty's Service,—or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Medals, Clothes, Furniture, Provisions, Spirits Articles, Necessaries, or Forage, and shall not give a satisfactory Account how he or she came by the same,—or shall change the Colour of any Clothes as aforesaid,—shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with treble the Value of all or any of the several Articles of which such Offender shall so become or be possessed ;—and if any Person having been so convicted shall afterwards be guilty of any such Offence, he shall for every such Offence forfeit any Sum

Penalty on purchasing Soldiers Necessaries Stores, &c.

not

not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned, with or without Hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit ;—and upon any Information against any Person for a Second or any subsequent Offence a Copy of the former Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove such former Conviction ;—and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, such Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods ;—and if upon such Search any such Property shall be found, the same shall and may be seized by the Officer charged with

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with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before the same or any other Justice of the Peace, to be dealt with according to Law:— PROVIDED always, that it shall be lawful for the Legislature of any of Her Majesty's Foreign Dominions, on the Recommendation of the Officer or Officers for the Time being administering the Government thereof, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to such Legislature appear to be better adapted to the Ability and Pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed:— PROVIDED also, that it shall be competent to Her Majesty, or to the Person or Persons administering the Government of any such Foreign Dominions as aforesaid, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer or Officers as aforesaid in respect of any other Law made or enacted by any such Legislature.

86. IF any Constable or other Person who by virtue of this Act shall be employed

Penalties  
upon Civil  
Subjects

offending  
against the  
Laws re-  
lating to  
Billets.

ployed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; — or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; — or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; — or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; — or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; — or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; — or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers

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Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall wilfully cause to be delivered defective Lists of the same;—or if any Person liable by this Act to have any Officer or Soldier quartered, upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Oats, Hay, and Straw in *Great Britain and Ireland* for each Horse in such Quantities and at such Rates as herein-before provided;—or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled;—

or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, on Duty or on their March, for themselves or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or

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diers, or for  
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and on  
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personating  
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Penalties  
upon the  
Military  
offending  
against the  
Law relating  
to Billets.

in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, or in any of Her Majesty's Colonies, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings;— and if any Person shall personate or represent himself to be a Soldier or a Recruit, with the view of fraudulently obtaining a Billet, or Money in lieu thereof, he shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Twenty Shillings.

87. IF any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayor, Constable, or other Civil Officer, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be

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utterly disabled to hold any Military Em-  
ployment in Her Majesty's Service;—  
PROVIDED that a Certificate of such  
Conviction shall be transmitted by One of  
the said Justices to the Judge Advocate in  
London, who is hereby required to certify  
the same to the Commander-in-Chief and  
Secretary of State for the War Depart-  
ment, and that the said Conviction be  
affirmed at some Quarter Sessions of the  
Peace of the said County held next after  
the Expiration of Three Months after such  
Certificate of the Justice shall have been  
transmitted as aforesaid;—and if any  
Military Officer shall take, or knowingly  
suffer to be taken, from any Person, any  
Money or Reward for excusing the quarter-  
ing of Officers or Soldiers, or shall billet  
any of the Wives, Children, Men or Maid  
Servants of any Officer or Soldier, in  
any House, against the Consent of the  
Occupier, he shall, upon being convicted  
thereof before a General Court-martial, be  
cashiered;—and if any Officer shall  
constrain any Carriage to travel beyond  
the Distance specified in the Justice's  
Warrant, or shall not discharge the same  
in due Time for their Return Home on the  
same Day, if it be practicable, except in  
the Case of Emergency for which the  
Justice shall have given Licence, or shall  
compel the Driver or any Carriage to take  
up any Soldier or Servant (except such as  
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except in the Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on  
killing  
Game with-  
out Leave.

88. FOR the better Preservation of Game and Fish in or near Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, shall for every such Offence forfeit the Sum of Five Pounds.

Form of  
Actions at  
Law.

89. ANY Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Calendar Months after the doing thereof, and it shall be lawful for every such Person to plead thereunto the General Issue Not Guilty, and to give

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give all special Matter in Evidence to the Jury ;—and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are by Law given to Defendants ;—and every Action against any Person for anything done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some One of the Courts of Record at *Westminster*, or in *Dublin*, or in *India*, or in the Court of Session in *Scotland*, and in no other Court whatsoever.

90. ALL Offences for which any Recovery of Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by and before One or more Justice or Justices of the Peace, under the Provisions

11 & 12 Vict.  
c. 43.

Provisions of an Act passed in the Eleventh and Twelfth Years of the Reign of Her Majesty Queen Victoria, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within England and Wales, with respect to summary Convictions and Orders:—*

PROVIDED always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; — which said recited Act shall be used and applied in Scotland and in Ireland, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Act had extended to Scotland and Ireland, anything in the said recited Act, or in an Act passed in the Fourteenth and Fifteenth Years of the Reign of Her

14 & 15 Vict.  
c. 93.

Majesty Queen Victoria, intituled *An Act to consolidate and amend the Acts regulating the Proceedings at Petty Sessions, and the Duties of Justices of the Peace out of Quarter Sessions, in Ireland, to the contrary notwithstanding; —* and all such Offences committed in the British Isles, or in any of Her Majesty's Dominions beyond de Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according

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to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed;—and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster*, or in *Dublin*, or in *India*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British Isles*, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

91. ONE Moiety of every Penalty, <sup>Appropriation of Penalties.</sup> not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall, in the United Kingdom, go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, and in *India* to the Military Secretary of the Government of the Presidency to which the Court by whom the Penalty shall be adjudicated shall be subject, to be at the Disposal of the Secretary of State for the War Department, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King

5 & 6 W. 4. King William the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and Wales*, or in any other Act or Acts, to the contrary notwithstanding;—and every Justice in the United Kingdom who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the said Secretary of State, and in *India* the Court which shall adjudge any Penalty under this Act shall immediately report the same to the said Military Secretary.

Mode of  
recording a  
Soldier's  
Settlement.

92. ANY Justice in the United Kingdom within whose Jurisdiction any Soldier in Her Majesty's Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his Commanding Officer, to be produced when required;—which said Examination and such attested Copy thereof shall be at any Time admitted as good and legal Evidence of such last legal Settlement before any Justices or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom;—PROVIDED that in case any Soldier

93. V any Can the War any Two Jurisdiction Wine, or without Notices o in respect Commissi Officers v shall also and such having su fictuals a powered h being subje



Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required ; — PROVIDED also, that when no such Examination shall have been required, the Statement made by the Recruit on his Attestation of his Place of Birth shall be taken to be his last Place of Settlement until legally disproved.

93. WHEN any Person shall hold Licences of any Canteen under proper Authority of Canteens.

the War Department, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences ; — and the Commissioners of Excise, or their proper Officers within their respective Districts, shall also grant such Licences as aforesaid ; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

94. ALL



**Attestation  
of Accounts.**

94. ALL Muster Rolls and Accounts and Pay and Pension Lists which are required to be verified by Declaration shall be so verified and attested free of Stamp Duty and without Fee or Reward paid for such Declaration or Attestation.

**Commissaries, &c. to  
attest their  
Accounts.**

95. ALL Commissaries, Regimental Paymasters, and all other Accountants for Military Services, Storekeepers, and Barrack Masters, upon making up their Accounts, and all Commissaries and Storekeepers upon returning from any Foreign Service, shall severally make the respective Declarations described in the Schedule to his Act annexed;—which Declarations, if made in any Part of the United Kingdom, shall be made before some Justice, or other Person authorized to administer Oaths and Declarations, and if made on Foreign Service shall be made before the Officer commanding in chief, or the Second in Command, or the Quartermaster or Deputy Quartermaster General or any Assistant Quartermaster General of the Army who shall respectively have Power to administer and receive the same.

**Adminis-  
tration of  
Oaths.**

96. ALL Oaths and Declarations which are authorized and required by the Act may be administered (unless when otherwise provided) by any Justice of the Peace, or other Person having Authority to administer Oaths and Declarations;—

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Command, or  
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Declaration  
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ties;—

and any Person taking a false Oath or Perjury.  
Declaration where an Oath or Declaration  
is authorized or required by this Act shall  
be deemed guilty of wilful and corrupt  
Perjury, or of wilfully making a false  
Declaration, and being thereof duly con-  
victed shall be liable to such Pains and  
Penalties as by Law any Person convicted  
of wilful and corrupt Perjury is subject and  
liable to;— and every Commissioned  
Officer convicted before a General Court-  
martial of Perjury, or of wilfully making a  
false Declaration, shall be cashiered, and  
every Soldier, or other Person amenable to  
the Provisions of this Act, found guilty  
thereof by a General, District, or Garrison  
Court-martial, shall be punished at the  
Discretion of such Court;— In *India*,  
in all Cases where any Oath is hereby  
required to be taken, or any Person is  
hereby required to be sworn, a solemn  
Declaration or Affirmation may be substi-  
tuted, if by the Laws for the Time being  
in force in *India* such Declaration or Affir-  
mation would be allowed to be substituted  
in the Place of an Oath, in case the Party  
were about to depose as a Witness in a  
Civil Action in any of the Supreme Courts  
at the Presidencies; and any Person wil-  
fully and knowingly giving false Testimony  
on Oath or solemn Declaration or Affirma-  
tion in any Case wherein such Oath or  
solemn Declaration or Affirmation shall  
have been made for the Purpose of this  
Act,

Act, or any Proceedings under this Act, shall be deemed guilty of wilful and corrupt Perjury, and, being duly convicted thereof before a Court-martial or otherwise, shall be liable to such Pains and Penalties as by any Law in force in *England*, or by any Law in force in *India*, any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Offences  
against former  
Mutiny  
Acts and  
Articles of  
War.

97. ALL Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any Act for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India Company*, or against any of the Articles of War made and established by virtue of either of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act;—and every Warrant for holding any Court-martial under any such former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued, notwithstanding the Expiration of such Act:—PROVIDED always, that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of

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Collection of Effects.

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the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

98. IT shall be lawful for all Officers Persons employed under the Authority of War to take care of or collect or superintend or direct the Collection of the Effects or any Part of the Effects of any Officers or Soldiers dying in India, to ask, demand, and receive any such Effects to which their Authority shall extend, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of or otherwise deal with the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in the same Manner in every respect as if such Officers or Persons so authorized as aforesaid had been appointed Executors, and had proved the Will, or had taken out Administration of such Effects; and no Administrator General nor Registrar of any Court in the East Indies, or any Person acting under the Appointment or Authority of such Court, *ad colligenda* or otherwise, or any other Person, shall in any Manner interpose

Persons employed under Articles of War to collect Effects of Officers dying in Service in India may do so without Probate or Letters of Administration.

interpose in relation to any such Effects, unless empowered so to do by any such Officers or Persons so authorized as aforesaid, any Law, Statute, or Usage to the contrary notwithstanding;—and all such Officers and Persons are, in the Exercise of the Powers hereby given, to follow any Orders and Directions which may from Time to Time be given on the Subject by the Military Secretary of the Government of the Presidency which may have Jurisdiction over the Effects of such deceased Officer or Soldier.

What Debts  
to be deemed  
Regimental  
Debts, and  
to have  
Priority  
accordingly.

99. ALL Sums of Money due from Officers and Soldiers dying in *India*, in respect of Military Clothing, Appointments, and Equipments, in respect of Servants Wages, in respect of Household Expenses incurred during the current Month or since the last Issue of Pay, or in respect of Quarters, or of Mess, or Band, or Regimental Accounts, and all Sums of Money due to any Agent, or Paymaster or Quartermaster, or any other Officer upon any such Account, or on account of any Advance made for any such Purpose, and also any Charges or Expenses attending or relating to the Illness or Funeral of any such Officer or Soldier, and any Sums of Money due from deceased Officers or Soldiers which, by any Articles of War to be made under the Powers of this Act, shall be directed to stand on the same Footing as any

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any of the Matters before mentioned, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, and Chattels of any Officer or Soldier dying in *India*, and out of any other Effects of such Officer or Soldier so dying which may be collected or received by any Officers or other Persons acting under the Authority of the Articles of War in manner herein-before mentioned, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier; — and if Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or what is the proper Amount of the same, or whether any such Regimental Debt remains due, such Question shall be decided and concluded by any Order or Certificate to be made by the Military Secretary to the Government of the Presidency which may have Jurisdiction over the Effects of such deceased Officer or Soldier, or by any other Person whom such Military Secretary shall authorize to act for that Purpose on his Behalf, and all such Payments shall be good and valid in Law; — and every Person who shall make any such Payment out of any such Arrears of Pay or other the Premises aforesaid under the Provisions of this Act,

or



or in pursuance of any such Order or Certificate as aforesaid, or into whose Hands any such Money shall come, shall be and is hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things to be done in pursuance of the Provisions of this Act, or of any such Order or Certificate, anything in any Acts or Laws to the contrary notwithstanding.

Regimental Debts to be paid without Probate or Letters of Administration, and the Surplus only to be deemed the Personal Estate to be administered.

Military Secretary to administer such Surplus when not exceeding 1,000 Rupees, without Probate or Administration, and Duty-free.

100. ALL such Regimental Debts shall and may be paid without Probate of any Will being obtained or any Letters of Administration or any Confirmation of Testament or Letters Testamentary or Dative being taken out by any Person, and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods, and Chatels, and other Effects to be collected and received as aforesaid, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased for the Payment of any Duty which may be claimable in respect of the same;—and it shall be lawful for the Military Secretary aforesaid to order and direct the Payment or Distribution of any such Surplus, to any Amount not exceeding One thousand Company's Rupees, without any Probate or Letters of Administration, or Confirmation of Testament or Letters Testamentary or Dative, or Payment of any Duty;—and it shall also be lawful for any Paymaster or other

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other Person to issue any Sum, not exceeding the Value of One thousand Company's Rupees, which may be due to any deceased Officer or Soldier, unto the Widow or Relative of any Officer or Soldier deceased, or unto the Representative or Representatives of any such Officer's Widow or Relative in *India*, in like Manner, without any Probate or Letters of Administration, or Confirmation of Testament or Letters Testamentary or Dative, or Payment of any Duty, the same to be paid to the Person who shall be notified by the said Military Secretary aforesaid as being entitled thereto; or as being a proper Person to receive the same;—and all such Payments respectively shall be as valid and effectual to all Intents and Purposes as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament or Letters Testamentary or Dative, anything in any Act or Acts or Law or Laws to the contrary notwithstanding.

101. ANY Effects or the Proceeds or Effects, &c. Surplus of any Effects which shall be collected or received under the Authority of any Articles of War as aforesaid, if and when remitted to any Person under any Order of the said Military Secretary or to such Military Secretary, shall not, by reason of coming to the Hands of such Person or Military sary.

remitted not to be deemed Assets in the Place to which remitted so as to render Administration necessary.

Power to  
Military  
Secretary  
to order Re-  
mittance of  
Effects to  
any other  
Place in  
India.

Military Secretary, be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted, so as to render it necessary that Administration should be taken out in respect thereof; —and it shall be lawful for the Military Secretary aforesaid to order that such Effects or the Proceeds or Surplus of any such Effects shall be remitted to any Place in *India*, either to himself or to any other Person or Persons by whom the same can more conveniently be paid over to the Person or Persons entitled thereto; — and the Obedience to the Orders of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds, or Surplus of such Effects shall be a sufficient Discharge from all Actions Suits, and Demands in respect thereof to all Persons to whose Hands any such Effects, Proceeds, or Surplus shall have come, and by whom the same shall have been paid and disposed of under the Order of such Military Secretary.

Mode of administering  
Surplus pre-  
scribed.

102. THE Effects of the Proceeds or Surplus of the Effects collected or received under the Authority of any Articles of War as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, and subject to any such Payment, Distribution, or Disposal thereof as is herein-before authorized, shall with all convenient Speed be transmitted to such Military

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Military Secretary as aforesaid by the Officers or Persons employed or required to take care of, collect, and receive the same, and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and subject to such Payment and Distribution as aforesaid, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier, or if there shall be no such Executor or legal Representative in *India*, or no such Executor or legal Representative shall within Twelve Months from the Death of such Officer or Officers claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Secretary of State for the War Department, to be by him paid to the Executor or legal Representative of such Officer or Soldier so deceased, and such Remittance at the End of Twelve Months as aforesaid shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus :

—PROVIDED always, that the Administrator General or Registrar of Her Majesty's several Supreme Courts in *India* shall not, nor shall any other Person by virtue of his Office, be required or entitled to take out Letters of Administration with the Will annexed or otherwise in respect of such Surplus, nor in any Manner to interpose in relation thereto, unless expressly authorized so to do by the said Military Secretary ;

Registrar of  
Supreme  
Courts to  
take out Ad-  
ministration  
to Surplus.

Secretary ;—and in all Cases in which the Surplus so to be remitted by the said Military Secretary to the said Secretary of State for the War Department shall not exceed One hundred Pounds, it shall be lawfull for the said Secretary of State to order and direct the Payment and Distribution thereof to such Persons as he shall determine to be entitled thereto, without any Probate, Letters, Testamentary or Dative, or Payment of any Duty.

Where  
Troops are  
serving be-  
yond the  
Jurisdiction  
of the Courts  
of Requests,  
Actions of  
Debt not ex-  
ceeding 400  
Rupees to be  
cognizable  
by a Military  
Court.

Composition  
and Consti-

103. IN all Places in *India* where any Body of Her Majesty's Forces may be serving situate beyond the Jurisdiction of any Courts of Requests, or other Courts for enforcing small Demands, established at the Cities of *Calcutta*, *Madras* and *Bombay* respectively, Actions of Debt, and all personal Actions against Officers or against Persons licensed to act as Sutlers, or other Persons amenable to the Provisions of this Act not being Soldiers, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Camp, Garrison, or Cantonment is hereby authorized and empowered to convene ; — and the said Court shall in all practicable Cases consist of

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of Five Commissioned Officers, and in no Instance of less than Three, and the President thereof shall in all practicable Cases be Field Officer, and in no Case be under the Rank of a Captain and every Member shall have served Five Years as a Commissioned Officer ;—and the President and Members assisting at any such Court, before any Proceedings be had before it, shall take the following Oath, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath ; (that is to say,)

‘ I swear, That I will  
duly administer Justice according to  
the Evidence in the Matters that shall  
be brought before me.

‘ So help me GOD.’

And all Witnesses before any such Court shall be examined in the same Manner as in the Case of a Trial by Court-martial, and it shall be competent for such Court, upon finding or awarding any Debt or Damage, either to award Execution thereof generally, or to direct specially that the whole or any Part thereof shall be stopped and paid over to the Plaintiff out of any Part not exceeding One Half of any Pay or Allowance, or out of any other Public Money which may respectively be coming to the Defendant in the current or any future Month or Months, or to direct the same

tution of the  
Court pre-  
scribed.

President,  
&c. of Court  
to take the  
following  
Oath.

Powers of  
such Court  
defined.

same to be so paid by Instalments ;—and in all Cases where the Execution shall be awarded generally the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Defendant's Goods and Property as may be found within the Camp, Garrison, or Cantonment under a written Order of the Commanding Officer, grounded on the Judgment of the Court ;—and all Orders of such Commanding Officer as to the Manner of such Sale, or the Person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding ;—and any Goods and Property of the Defendant found within the Limits of the Camp, Garrison, or Cantonment to which the Defendant shall belong at any subsequent Time shall be liable to be seized and sold in like Manner in satisfaction of any Remainder of such Debt or Damages ;—and if any Question shall arise whether any such Effects or Property are liable to be taken in Execution as aforesaid, the Decision and Order of the said Commanding Officer shall be final and conclusive with respect to the same, and if sufficient Goods shall not be found within the Limits of the Camp, Garrison, or Cantonment, then any Public Money or any Part not exceeding One Half of the Pay or Allowances accruing to the Defendant shall be stopped in liquidation of such Debt or Damages ;—and if such Defendant shall not receive Pay

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Pay as an Officer or from any Public Department, but be a Sutler, Servant, or Follower, he may be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for any Period not exceeding Two Months, unless the Debt be sooner paid ;—and the said Commanding Officer shall not, nor shall any Person acting on his Orders in respect of the Matters aforesaid, incur any Liability to any Person or Persons whomsoever for any Act done by him in pursuance of the Provisions aforesaid ;—and in Cases where the said Court shall direct specially that the whole or any Part of the Debt or Damages shall be stopped and paid out of Part of any Pay or Allowances, or out of Any Public Money, the same shall be stopped and paid accordingly in conformity with such Direction ; — PROVIDED always, that nothing herein-before contained shall enable any such Action as aforesaid to be brought in the said Court by any Officer or Soldier against any Officer.

104. WHENEVER any Court-martial Provisions may be held in *India* by virtue of this Act relating to Officers and Soldiers of *Indian* Forces, there shall sit on such Her Majesty's Indian Forces, One or more Officer or Officers of Her Majesty's said *Indian* Forces, if the Attendance of such Officer or Officers can be conveniently had, and if the Attendance



dance of no such Officer or Officers can be conveniently had, then the Officer convening such Court-martial shall specify the same in his Warrant or Order convening the Court-martial; — and the Government of any of the Presidencies in *India* may suspend the Proceedings of any Court-martial held in *India* on any Officer or Soldier belonging to Her Majesty's *Indian Forces* within such Presidencies respectively; — and if any Officer belonging to Her Majesty's *Indian Forces* shall think himself wronged by the Officer commanding the Regiment, and shall upon due Application made to him not receive the Redress to which he may consider himself entitled, he may complain to his Commander-in-Chief in order to obtain Justice, who is hereby required to examine into such Complaint, and thereupon, either by himself or by his Adjutant General, to make his Report to the Government of the Presidency to which such Officer belongs, in order to receive the further Directions of such Government: — PROVIDED that no Officer of Her Majesty's *Indian Forces* aforesaid who may have joined or may join either of the Staff Corps formed in the several Presidencies of *India* under the Warrant of Her Majesty bearing Date the Sixteenth Day of *January* One thousand eight hundred and sixty-one, constituting the said Corps, and no Officer or Soldier of Her Majesty's *Indian Forces* aforesaid who shall

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shall have volunteered or may volunteer to join Her Majesty's General Military Service, shall be deemed to be an Officer of Her Majesty's *Indian Forces* for the Purposes of this Section.

105. ANY Officer or Soldier, or other Person subject to this Act, who shall be serving in the Territories of any Foreign State in *India*, or in any Country in *India* under the Protection of Her Majesty, or at any Place in Her Majesty's Dominions in *India* (other than *Prince of Wales' Island*, *Singapore*, or *Malacca*), at a Distance of upwards of One hundred and twenty Miles from the Presidences of *Fort William*, *Fort Saint George* and *Bombay* respectively, and who shall be accused of having committed Treason or any other Crime which, if committed in *England*, would be Felony, may be tried by a General Court-martial, to be appointed by the General or other Officer commanding in chief in such Place for the Time being, and, if found guilty, shall be liable to be sentenced by such Court-martial to suffer such Punishment as might legally have been awarded by any of Her Majesty's Courts of ordinary Criminal Jurisdiction within Her Majesty's Dominions in *India* in respect of an Offence of a like Nature and Degree, and committed within the Jurisdiction of such last-mentioned Court;—but no Sentence of a General Court-

Officers and  
Soldiers  
serving in  
*India*.

Court-martial for any such Offence shall be carried into execution until the same shall have been duly confirmed ;——and it shall be lawful for such General or other Officer commanding in chief as aforesaid, except as is herein-after provided, to confirm the Sentence of any such General Court-martial ——and such General or other Officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the Sentence ;——or, in the Case of a Sentence of Penal Servitude may commute the same to Imprisonment, with or without Hard Labour, for such Period as to him shall seem fit :——PROVIDED always, that in all Cases wherein a Sentence of Death or Penal Servitude shall have been awarded by any such General Court martial held for the Trial of a Commissioned Officer, or where a Sentence of Death shall have been awarded by any such General Court-martial held for the Trial of any Person subject to this Act other than a Commissioned Officer, such Sentence shall not be carried into execution until it shall have been duly confirmed by the General or other Officer commanding in chief Her Majesty's forces in India, with the Concurrence of the Governor-General in Council : —— PROVIDED also, that any Person who may have been so tried as aforesaid shall not be tried for the same Offence by any other Court whatsoever.

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**106. THIS Act shall be and continue in force within Great Britain from the Twenty-fifth Day of April One thousand eight hundred and sixty-four inclusive until the Twenty-fifth Day of April One thousand eight hundred and sixty-five ; — and shall be and continue in force within Ireland and in Jersey, Guernsey, Alderney, Sark, and Isle of Man, and the Islands thereto belonging, from the First Day of May One thousand eight hundred and sixty-four inclusive until the First Day of May One thousand eight hundred and sixty-five ; — and shall be and continue in force within the Garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the First Day of August One thousand eight hundred and sixty-four inclusive until the First Day of August One thousand eight hundred and sixty-five ; — and shall be and continue in force in all other Parts of Europe where Her Majesty's Forces may be serving, and in the West Indies and America, from the First Day of September One thousand eight hundred and sixty-four inclusive until the First Day of September One thousand eight hundred and sixty-five ; — and shall be and continue in force within the Cape of Good Hope, the Isle of France or Mauritius and its Dependencies, Saint Helena, and the Settlements on the Western Coast of Africa, from the First Day of January One thousand eight hundred and sixty-five inclusive until the First**

Duration of  
this Act.

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106. THIS

First Day of *January* One thousand eight hundred and sixty-six ;—and shall be and continue in force within *British Columbia* and *Vancouver's Island* from the Date of the Promulgation thereof in General Orders there inclusive until the First Day of *January* One thousand eight hundred and sixty-six ;—and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and sixty-six inclusive until the First Day of *February* One thousand eight hundred and sixty-seven :—PROVIDED always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions or elsewhere beyond the Seas, become and be in full Force, anything herein stated to the contrary notwithstanding.

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**SCHEDULES** referred to by the foregoing  
Act.

**NOTICE** to be given to a **RECRUIT** at the  
Time of his **ENLISTMENT**.

Date 186 .

**A.B.**

**TAKE** Notice, That you enlisted with  
at o'Clock\*

on the Day of for  
the Regiment [instead of the  
Words "for the Regiment,"  
any Word may be substitute which are  
applicable to the Case], and if you do not  
come to [here name some Place] on or be-  
fore o'Clock\* on the

Day of for the Purpose  
of being taken before a Justice, either to be  
attested or to release yourself from your  
Engagement by repaying the Enlisting  
Shilling and any Pay you may have re-  
ceived as a Recruit, and by paying Twenty  
Shilling as Smart Money, you will be  
liable to be punished as a Rogue and Vaga-  
bond.

\* A.M. or P.M. as the Case may be.

**SCHE-**

**YOU**



YOU are hereby also warned that you will be liable to the same Punishment if you make any wilfully false Representation at the Time of Attestation.

Signature of the Non-  
Commissioned Officer }  
serving the Notice. \_\_\_\_\_

### DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the Parish of \_\_\_\_\_  
in the County of \_\_\_\_\_  
do solemnly and sincerely declare, That to  
the best of my Knowledge and Belief I was  
born in the Parish of (a) \_\_\_\_\_ in or  
near the of (b) \_\_\_\_\_ in the  
County of (c) \_\_\_\_\_, and am

Years of Age;—that I am  
of the Trade or Calling of \_\_\_\_\_ [or of  
no Trade or Calling, *as the Case may be*];  
—that I am not an Apprentice;—  
that I am not married;—that I am not  
a Widower;—that I am a Widower,  
and that I have (or have not) Children;  
—that I do not belong to the Militia,  
or to the Naval Coast Volunteers, or to  
any Portion of Her Majesty's Land or  
Sea Forces;—that I have never served  
Her Majesty by Land or Sea in any Mi-  
litary or Naval Employment whatsoever,  
except \_\_\_\_\_;—that I have

*Note (a), (b), (c).—These Blanks need not be filled  
up if the Recruit is unable to give the requisite  
Information.*

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never been marked with the Letter D;  
 —that I have never been rejected as  
 unfit for Her Majesty's Service on any  
 previous Enlistment;—that I was en-  
 listed at \_\_\_\_\_ on the \_\_\_\_\_ Day of

186 , at \_\_\_\_\_ o'Clock M. by

of \_\_\_\_\_, and that I have read

[or had read to me] the Notice then given  
 to me and understood its Meaning;—

that I enlisted for a Bounty of \_\_\_\_\_ and a  
 free Kit, and have no Objection to make to  
 the Manner of my Enlistment;—that I  
 am willing to be attested to serve in the

Regiment of \_\_\_\_\_ [instead of the

Words "in the \_\_\_\_\_ Regiment," any Words  
 may be substituted which are applicable to  
 the Case in or for whatever Part of Her  
 Majesty's Dominions the Enlistment may be  
 made] for the Term of [the Blank after  
 the Words "Term of" to be filled up with  
 Ten Years for Infantry and Twelve for  
 Cavalry or Artillery or other Ordnance  
 Corps, if the Person enlisted is of the Age  
 of Eighteen Years or upwards;—but if  
 under that Age, then the Difference between  
 his Age and Eighteen is to be added to such  
 Ten or Twelve Years (as the Case may be)],  
 provided Her Majesty should so long require  
 my Services, and also for such further Term,  
 not exceeding Two Years, as shall be di-  
 rected by the Commanding Officer on any  
 Foreign Station.

\_\_\_\_\_  
*Signature of Recruit.*

\_\_\_\_\_  
*Signature of Witness.*

OATH

never

### OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty Bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

\_\_\_\_\_  
*Signature of Recruit.*

\_\_\_\_\_  
*Witness present.*

The above Declaration and  
Oath were made before me  
at        this        Day  
of        One thousand  
eight hundred and  
at        o'Clock.

\_\_\_\_\_  
*Signature of Justice*

**DECLARATION to be made by a SOLDIER, or  
PERSON having been a SOLDIER, on re-  
newing his Service.**

I do declare,  
That I am at present [or was, *as the Case  
may be,*] in Captain        Company  
in the        Regiment [*the foregoing*  
*Portion of this Declaration may be altered  
to suit each particular Case*]; that I enlisted  
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on the \_\_\_\_\_ Day of \_\_\_\_\_ for  
 a Term of \_\_\_\_\_ Years; that I am of the  
 Age of \_\_\_\_\_ Years; and that I will serve  
 Her Majesty, Her Heirs and Successors,  
 for a further Term of \_\_\_\_\_ Years [*to be  
 filled up with Eleven Years in the Infantry,  
 or Twelve in the Cavalry, or Nine in the  
 Artillery or Engineers, and in the Case of  
 a Soldier about to embark for Foreign  
 Service, with such Number of Years as  
 shall be required to complete a total Service  
 of Twenty-one Years in the Artillery, En-  
 gineers, and Infantry, or Twenty-four in  
 the Cavalry*], provided my Services should  
 so long be required, and also for such  
 further Term not exceeding Two Years, as  
 shall be directed by the Commanding Of-  
 ficer on any Foreign Station.

Declared before me \_\_\_\_\_  
 the \_\_\_\_\_ day of \_\_\_\_\_ 18 .

\_\_\_\_\_  
*Signature of Soldier.*

\_\_\_\_\_  
*Signature of Witness.*

FORM of OATH to be taken by a MASTER  
 whose APPRENTICE has absconded.

I \_\_\_\_\_ of \_\_\_\_\_ do make Oath, That  
 I am by Trade a \_\_\_\_\_, and that  
 \_\_\_\_\_ was bound to serve as an  
 Apprentice to me in the said Trade, by  
 Indenture dated the \_\_\_\_\_ Day of \_\_\_\_\_  
 \_\_\_\_\_ for the Term of \_\_\_\_\_ Years;  
 —and that the said \_\_\_\_\_ did  
 on or about the \_\_\_\_\_ Day of \_\_\_\_\_  
 abscond

abscond and quit my Service without my  
Consent;—and that to the best of my  
Knowledge and Belief the said  
is aged about                      Years. Witness my  
Hand at                      the                      Day  
of                      One thousand eight hundred  
and

Sworn before me at  
this                      Day of  
One thousand eight hundred  
and

**FORM of JUSTICE's CERTIFICATE to be  
given to the MASTER of an APPRENTICE.**

to wit.                      } I                      One of Her  
of                      : } Majesty's Justices of the Peace  
of                      certify, That  
of                      came before me at  
the                      Day of                      One  
thousand eight hundred and  
and made Oath that he was by Trade  
a                      , and that  
was bound to serve as an Apprentice  
to him in the said Trade, by Indenture  
dated the                      Day of                      for  
the Term of                      Years; and that the  
said Apprentice did on or about the  
Day of                      abscond and quit the  
Service of the said                      without  
his Consent, and that to the best of his  
Knowledge and Belief the said Apprentice  
is aged about                      Years.

**FORM**

**FORM OF OATH** to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's Colonies or Possessions has absconded.

I of do make Oath,  
That was bound to me to serve  
as an indentured Labourer by Indenture  
dated the Day of for  
the Term of Years, and that the  
said did on or about the  
Day of abscond and quit my  
Service without my Consent.  
Witness, &c. [as for Apprentice]

**FORM OF JUSTICE'S CERTIFICATE** to be given to the MASTER of an indentured LABOURER.

to wit. } I One of Her  
of Majesty's Justices of the Peace  
of certify, That  
the came before me at  
the Day of and made  
Oath that was bound to serve  
as an indentured Labourer to him by  
Indenture dated the Day  
of for the Term of  
Years, and that the said indentured  
Labourer did on or about the  
Day of abscond and quit the  
Service of the said without  
his Consent.

**FORM OF DECLARATION of ATTESTATION  
of a COMMISSARY'S or PURVEYOR'S AC-  
COUNTS.**

**I** do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them or knowingly permitted them to be applied, to any other than Public Purposes, according to the Duty of my Office.

Declared before me by the within-  
named this  
Day of

*Justice of the Peace of  
or Commander-in-Chief, or Second  
in Command, et cætera, the Army  
serving in  
et cætera [as the Case may be].*

**FORM OF DECLARATION of ATTESTATION  
of a STOREKEEPER'S ACCOUNTS.**

**I**, Storekeeper at  
do hereby solemnly and sincerely declare,  
That I have charged myself in this Account  
with the several Sums drawn for or received  
by me on Imprests, or for Rents, Sale of  
old Stores, or for any other Article or  
Service; that they are just and true, and  
include every Sum for which I am account-  
able during the Period stated. I also  
solemnly declare, that I have not, directly  
or indirectly, received any Profit, Fee,  
Emolument, or Advantage whatever beyond  
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my Salary and authorized Allowances, except the trifling Advantage which may have arisen in respect to the fractional Parts of a Penny in the Totals of the Pay Lists, as sanctioned by the Regulations of 19th December 1832  $\frac{8}{1178}$  (See Art. 246, at Page 65, of Home Regulations); and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to \_\_\_\_\_, have been actually and bona fide paid by me for the respective Services, without any Deductions to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

\_\_\_\_\_,  
Storekeeper at \_\_\_\_\_.

Declared before me at  
this \_\_\_\_\_ Day of \_\_\_\_\_ 18 . }

\_\_\_\_\_  
Magistrate for \_\_\_\_\_.

**FORM OF DECLARATION of ATTESTATION  
of a BARRACK MASTER'S ACCOUNTS.**

I \_\_\_\_\_, Barrack Master of the  
Barracks at \_\_\_\_\_, do  
hereby solemnly and sincerely declare, That  
I have charged myself in this Account with  
the several Sums drawn for or received by  
me



me on Imprests, or for Rents, Damages, and Deficiencies, washing Sheets, or for any other Article or Service; that they are just and true, and include every Sum for which I am accountable during the Period stated., I also solemnly declare, that I have not, directly or indirectly, received any Profit, Fee, Emolument, or Advantage whatever from or on account of the Purchase or Issue of any of the Articles for the Service of the said Barracks, nor have I any Property in Lands, Houses, Tenements, or any Article used or employed in the Service of the War Department;— and I further solemnly declare, that the several Sums of Money for which I have taken Credit as Disbursements in this Account, amounting to \_\_\_\_\_, have been actually and bonâ fide paid by me for the respective Services, without any Deductions, to the several Persons entitled to the same, and that the Receipts which accompany this Account have been actually signed and witnessed by the Persons stated therein; and I make this Declaration, conscientiously believing the same to be true.

\_\_\_\_\_,  
*Barrack Master at* \_\_\_\_\_.  
 Declared before me at  
 this            Day of            18    }  
 \_\_\_\_\_,  
*Magistrate for* \_\_\_\_\_.

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# **FORM of DECLARATION of ATTESTATION of a PAYMASTER'S ACCOUNTS.**

I do solemnly and sincerely declare, That the foregoing Pay List of the \_\_\_\_\_ Regiment of \_\_\_\_\_ for the Period ended \_\_\_\_\_ 186 , contains Charges of Pay for only such Non-commissioned Officers, Drummers, Fifers, Buglers, and Privates as were effective and entitled to Pay during, and regularly mustered at, the Periods set against their Names; that all those Men who were not present at the respective Musters taken by me on the \_\_\_\_\_, the \_\_\_\_\_, and the \_\_\_\_\_ have the true Reasons of their Absence stated against their Names; and that every Absence affecting the Pay or Allowances of such Men which occurred between the respective Musters is properly accounted for.

Also, that the List of commissioned Officers prefixed to the said Pay List contains a true and just Statement of the Names of all the Commissioned Officers who have been effective and entitled to Pay as belonging to the said Regiment for the Periods therein set down against their respective Names; also, that all the Remarks opposite to their Names on the Muster Roll have been correctly copied therein; and that the Sum debited in the \_\_\_\_\_ general

general State of this Pay List for the Pay of Officers has been actually received by me and paid to them respectively.

Also, that the whole of the Sums debited in this Pay List and Account, amounting to \_\_\_\_\_, have been actually and bona fide disbursed by me in conformity with the established Regulations, and that the total Sum received, drawn for, or required to be remitted for the several Services therein charged, including every Receipt whatever, for which I am required to give Credit in these Accounts, is

Also, that the statement at the Foot of this Page contains a full and correct List of all Abstracts of Examination, and of all Decisions on Abstracts of Examination, of the Pay List of this Regiment received between the \_\_\_\_\_ of 186 (the Date of the last Pay List transmitted to the War Office being that for the Period ended the 186 ) and the \_\_\_\_\_ of 186 , the Date of this Pay List.

Also, that the total Amount of the Sums disallowed in the said Decisions is credited in this Pay List, in conformity with Article 21 of the explanatory Directions, dated the 1st July 1848.

Also that to the best of my Knowledge and Belief, both my Sureties are now living; that the Property of each is at least double that for which he is Surety; and

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and that they respectively reside at the  
Places under mentioned.

Names of Sureties.

Places of Residence.

Declared and subscribed  
before me, at  
this Day  
of 186 .

} \_\_\_\_\_ Paymaster.  
Justice of  
the Peace for \_\_\_\_\_

Witnesses { \_\_\_\_\_ Commanding Officer.  
\_\_\_\_\_ Adjutant.

**FORM OF DECLARATION OF ATTESTATION OF  
the ACCOUNTS of a MILITARY  
ACCOUNTANT.**

I hereby solemnly and sincerely declare,  
That this Account, comprised in  
Folios, is just and true, according to the  
best of my Knowledge, Information, and  
Belief; and I make this Declaration, con-  
scientiously believing the same to be true.

Declared before me,  
at  
this Day  
of 18 .

} \_\_\_\_\_ Military Accountant.  
Justice of the Peace  
for \_\_\_\_\_

No.

No. . . . .  
**DESCRIPTION** RETURN of . . . . . who was apprehended [or  
 "surrendered himself," as the Case may be,] on the . . . . . Day of  
 and was committed to Confinement at . . . . . on the  
 Day of . . . . . as a Deserter from [insert Regiment or Corps].

Age . . . . .	
Height . . . . .	Feet. Inches.
Complexion . . . . .	
Hair . . . . .	
Eyes . . . . .	
Marks . . . . .	
Probable Date of Enlistment, and where . . . . .	
Probable Date of Desertion, and from what Place . . . . .	
{ Name and Occupation and Address of the Person by whom or through whose Means the Deserter was apprehended and secured . . . . .	
* { Particulars in the Evidence on which the Prisoner is committed, and showing whether he surren- dered or was apprehended, and in what Manner and upon what Grounds . . . . .	

\* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

\_\_\_\_\_  
 Signature and Address  
 of Magistrate.  
 \_\_\_\_\_  
 Signature of Prisoner.  
 \_\_\_\_\_  
 Signature of Informant.

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

\_\_\_\_\_  
 Signature of Military  
 Medical Officer or of § Private  
 Medical Practitioner.

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

§ No Fee will be allowed to a Private Medical Practitioner where a Military Medical Officer is stationed, unless it is shown that his Services were not available.

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# RULES AND ARTICLES

FOR

THE BETTER GOVERNMENT

OF

# HER MAJESTY'S ARMY

*From the 25th Day of April 1864.*

---

PUBLISHED BY HER MAJESTY'S COMMAND.

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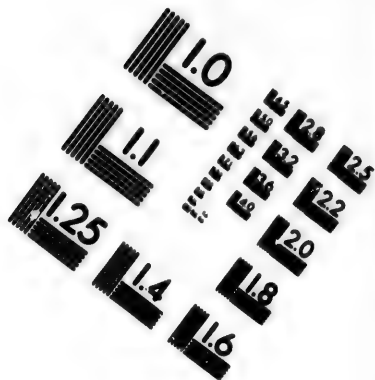
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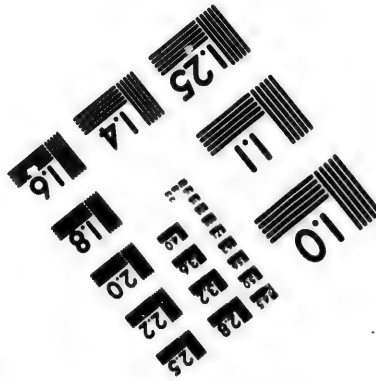
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**NOTE.**—*The Articles marked with an Asterisk (\*) are to be read aloud to the Troops once in Three Months.*

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# **RULES AND ARTICLES**

**FOR**

**THE BETTER GOVERNMENT OF  
OUR ARMY.**

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## **SECTION I.**

### **DUTIES AND LIABILITIES.**

#### **MUSTERS.**

**M**USTERS shall be taken of Our Regiments of Life Guards, Horse Guards, and Foot Guards, Twice at least in every Year, at such Times as shall be appointed, and agreeably to the Forms heretofore used ; — Musters of every other Corps in Our Army shall be taken according to such Regulations as We may think fit to establish in relation thereto ; — no Officer or Soldier or other Person liable to be mustered shall be absent from such Musters without the Leave of the proper Authorities. **ART. 1.**

#### **REGIMENTAL PAY OF OFFICERS.**

**REGIMENTAL** Pay shall not be issued to any Officer who shall absent himself without Leave, or shall overstay the Period for which Leave of Absence may **2.**

may have been granted him; — or who shall not on Promotion; — Exchange; — or Removal to another Regiment; — or on Appointment from the Half to the Full Pay; — join within *Two Months* the Corps to which he may have been so appointed; — or who shall not, on his first Appointment in the Army, join as directed in Orders from Our Adjutant General; — unless a satisfactory Explanation shall have been given through his Colonel or Commanding Officer, and shall have been notified by Our Commander in Chief to Our Secretary at War.

#### CONCEALMENT BY RECRUIT ON ENLISTMENT.

3. ANY Recruit who shall have enlisted into and been attested for Our Army or Our *Indian* Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmary concealed or not declared by such Recruit at the Time of his Attestation, may be transferred to any Garrison, or Veteran or Invalid Battalion or Company, notwithstanding he shall have enlisted for any particular Regiment or Corps, and shall be entitled to receive such Proportion or Residue of Bounty only as Our Secretary of State for War may allow, instead of the Bounty to which such Recruit would have been otherwise entitled.

CON

**CONCEALMENT ON RE-ENLISTMENT.**

IF any Person discharged from Our Army for Disability, Misconduct, or for any other Cause, shall subsequently re-enter the Army, and shall, at the Time of his being attested, conceal the Fact, or misrepresent the Cause of his former Discharge; —he shall neither be allowed to reckon his past Service, nor to receive any Pension, if again discharged for Disability.

\*4.

**FURLOUGHS.**

COMMANDING Officers of Regiments in *Great Britain and Ireland* are authorized to grant Furloughs to Soldiers, subject to the Control of the General Officers under whose Command the Regiments may be serving; —but these Indulgences are not to be granted during the Seasons for Reviews, Field Exercise, and Inspections; —*viz.* between the Tenth Day of *March* and Twenty-fifth Day of *October* in each Year; —except under peculiar and urgent Circumstances; —the Number of Soldiers to whom Furloughs may be granted, between the Twenty-fifth Day of *October* and Tenth Day of *March* following, is to be regulated according to the General Order which may be issued on that Head; —and when any Soldier on Furlough shall be detained by Sickness or other Casualty beyond the Time therein limited, and Military Officer, not below the Rank

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Rank of Captain, or any Adjutant of Regular Militia, or when there is not any such Officer within a convenient Distance, then any Justice may grant an Extension of such Furlough for a Period not exceeding *One Month*, notifying the same to the Commanding Officer of the Corps to which the Man belongs, or to the Agent of the Regiment.

### SUTTLING.

6. NO Sutler shall be permitted to sell any Kind of Liquors or Victuals, or to keep his House or Shop open for the Entertainment of Soldiers, after *Nine* o'Clock at Night, or before the Beating of the Reveillies, nor shall he be permitted to sell Liquors of any Sort during such Time or Times as he shall be forbidden so to do by the Officer commanding the Troops in the Barracks to which the Canteen belongs;—nor upon *Sundays* during Divine Service or Sermon;—on the Penalty of being dismissed from all future Suttling;—but all Officers, Soldiers, and Suttlers shall have full Liberty to bring into any of Our Forts or Garrisons any Quantity or Species of Provisions, eatable or drinkable, except where any Contracts are entered into by Us, or by Our Order, for furnishing such Provisions;—(this Exception extends only to the Species of Provisions so contracted for;)—and all Officers commanding

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manding in Our Forts, Barracks, or Garri-  
sons, are required to see, as they shall be  
answerable to Us for their Neglect, that the  
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Soldiers with good and wholesome Provi-  
sions, at the Market Price.

**CRYING DOWN CREDIT.**

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**THE** Commanding Officer of every  
Corps shall, upon its first coming to any  
Place where it is to remain in Quarters,  
cause public Proclamation to be made that  
if the Landlords or other Inhabitants suffer  
the Soldiers to contract Debts, such Debts  
will not be discharged;—the said Com-  
manding Officer refusing or neglecting so  
to do shall be suspended for *Three Months*  
during which Time his whole Pay shall be  
applied to the discharging of such Debts  
as shall have been contracted by the Sol-  
diers under his Command beyond the  
Amount of their daily Subsistence; if there  
be any Overplus remaining it may be re-  
turned to him:—if after public Procla-  
mation made as above directed the Inhabi-  
tants shall notwithstanding suffer the Sol-  
diers to contract Debts with them, it will  
be at their own Peril, the Officers not being  
obliged to discharge such Debts.

7.

**BILLETS.**

**IF** any Complaint shall be made  
against any Officer or Soldier of Ill-treat-  
ment

\*8.



ment of Landlords by Violence, Extortion or making Disturbances in Billets, the Officer Commanding shall, after Proof of the Justice of the Complaint, cause Reparation to be made, either by causing the Offender to be tried for the Offence, or by making Compensation in Money, to the Extent of stopping Half the Offender's Pay daily until the Demand be satisfied or full Reparation be made; and if such Commanding Officer shall refuse or neglect to cause such Reparation to be made he shall be deemed equally culpable as the Actual Offender;—and if the Officer or Soldier shall protest against such summary Proceeding of his Commanding Officer, the Matter shall be inquired into, and, if necessary, tried before a competent Court-martial.

#### CARRIAGES.

- 9 THE Commanding Officer of every Corps ordered to march is to apply to the proper Magistrates for the necessary Carriages;—and to pay for them as directed by the Mutiny Act.

#### ARMS AND STORES.

10. EVERY Captain is charged with the Arms, Accoutrements, Ammunition, Clothing, or other Warlike Stores belonging to the Troop or Company under his Command, for which he is to be accountable to his Colonel or Officer commanding the Regiment,

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ment, in case of their being lost, spoiled, or damaged, not by unavoidable Accident or on actual Service.

ALL public Stores taken from the Enemy, whether of Artillery, Ammunition, Engineer Stores, Clothing, Forage, or Provisions, shall be secured for Our Service, and the Officers commanding in chief are to be answerable to Us for any Neglect in this respect. 11.

**REDRESS OF WRONGS.**

IF an Officer shall think himself wronged by his Commanding Officer, and shall, upon due Application made to him, not receive the Redress to which he may consider himself to be entitled;—he may complain to the General commanding in chief of Our Forces, in order to obtain Justice;—who is hereby required to examine into such Complaint;—and either by himself, or by Our Secretary at War, to make his Report to Us thereupon, in order to receive Our further Directions. 12.

IF a Non-commissioned Officer or Soldier shall think himself wronged in any Matter affecting his Pay or Clothing by his Captain, or other Officer commanding the Troop or Company to which he belongs, he is to complain thereof to the Commanding Officer of the Regiment, who is hereby required \*13.

required to summon a *Regimental Court of Enquiry* for the Purpose of determining whether such Complaint is just;—from the Decision of which Court of Enquiry either Party may, if he thinks himself still aggrieved, appeal to a *General Court-martial*—and such Court shall hear and determine the Merits of the Appeal, and after determining the same, and after allowing the Appellant to show Cause to the contrary, by himself, and by Witnesses, if any, may, either confirm the Appeal or dismiss it without more, or may, if it shall think fit, pronounce such Appeal groundless and vexatious, and may thereupon sentence such Appellant to such Punishment as a General Court-martial is competent to award.

#### MAINTENANCE OF GOOD ORDER.

14. **EVERY** Commanding Officer shall keep good Order, and to the utmost of his Power redress all Disorders committed by any Officer or Soldier under his Command;—and all Officers and Soldiers are to behave themselves orderly in Quarters and on their March, and are not to quit their Camp or Quarters, or to fail at Parade.
15. **ALL** Officers, of what Condition soever, have Power to quell all Quarrels, Frays and Disorders, though the Persons concerned should be of superior Rank, or belong to another Corps, and either to order  
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ORDER.

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Condition  
all Quarrels,  
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or Rank, or  
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Officers

Officers into Arrest, or Soldiers into Con-  
finement, until their proper Superior Officers  
shall be acquainted therewith.

NO Officer shall use any reproachful  
or provoking Speeches or Gestures to  
another.

16.

PROCEEDINGS ON COMMISSION OF  
OFFENCES.

WHENEVER any Officer or Sol-  
dier shall be accused of a Capital Crime, or  
of Violence, or any Offence against the Per-  
sons or Property of Our Subjects, punish-  
able by the known Laws of the Land, the  
Commanding Officer and Officers of his  
Corps are, upon Application duly made  
in behalf of the Party injured, to use their  
utmost Endeavours to deliver over such  
accused Person to the Civil Magistrate ;  
—and assist the Officers of Justice in  
apprehending and securing him.

17.

WHENEVER any Officer or Sol-  
dier shall commit a Crime deserving  
Punishment, he shall, by his Commanding  
Officer, be put in Arrest, if an Officer, or,  
if a Soldier, be confined until he shall be  
either tried by a Court-martial, or shall  
be lawfully discharged by a proper Au-  
thority ; — and no Officer or Soldier,  
who shall be put in Arrest or Confine-  
ment, shall continue in such Arrest or  
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Confinement more than *Eight Days*, or until such Time as a Court-martial can be conveniently assembled.

19. NO Officer commanding a Guard, or Provost Marshall, shall refuse to receive or keep any Prisoner committed to his Charge by any Officer or Non-commissioned Officer belonging to Our Forces ; —and every such Officer or Non-commissioned Officer shall, at the same Time, or without unnecessary Delay, deliver an Account in Writing, signed by himself, of the Crime with which the said Prisoner is charged.

DISCHARGES.

20. EVERY Commissioned Officer sentenced to be kept in Penal Servitude, on such Sentence being confirmed, shall cease to belong to Our Service.
- \*21. SOLDIERS, having been duly enlisted and attested, shall not be dismissed Our Service without a Discharge or Certificate, granted according to the General Order on that Head, which shall be in force at the Time of granting the Discharge.
- \*22. NO *Soldier* shall be discharged, unless by Order of Our Commander in Chief, certified by an Officer of the Adjutant General's Department ; — or by Authority direct from Us ; —except in the Cases of Soldiers serving on Foreign Stations

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tions, where General Officers commanding are authorized, under such Regulations and Restrictions as may from Time to Time be prescribed by Our Commander in Chief, to direct that Soldiers shall be discharged.

THE Names of Soldiers of any Regiment or Corps who have received Our special Approbation for meritorious Conduct, or who have received a Donation of Money in addition to their Pension on Discharge, shall be notified to the Parishes to which they may belong, by Our Secretary at War;—and on the other hand, the Names of Soldiers who have been dismissed with Disgrace, or who have forfeited their Pension owing to Misconduct, shall be equally notified to the Parishes to which they belong;—such Notification being affixed on the Outside of the Door of the Church or Chapel on the *Sunday* next succeeding the Receipt of the Notification.

\*23.

NO Soldier shall be discharged, whether for Unfitness or for any other Cause, unless his Services, Conduct, Character, and the Cause of his Discharge be ascertained before a Regimental Board, as herein-after provided;—but when a Soldier shall have been sentenced to Penal Servitude he may be discharged forthwith by Order of Our Commander-in-Chief, and such Discharge shall not affect the Execution of his Sentence.

\*24.

RETURNS

## RETURNS AND ACCOUNTS.

25. THE Commanding Officer of every Corps, at home and abroad, shall, on the First of every Month, transmit to the Commander in Chief of Our Forces, and to Our Secretary at War, an exact Return of the State of such Corps, specifying the Names of the Officers absent, and the Reason for and Time of their Absence.
26. RETURNS shall be made, in like Manner, of the State of Our Forces in *Ireland*, to the Lord Lieutenant or Chief Governors thereof, and to the General Officer there commanding;—and of Our Forces in *Scotland*, to the Officer there commanding.
27. EXACT Returns of the State of Our Garrisons and Corps stationed abroad shall be transmitted by their respective Governors or Commanders there residing, by all convenient Opportunities, to Our Commander in Chief and Secretary at War.
28. ALL Commissions granted by Us, or by any of Our Generals having Authority from Us, shall be entered in the Books of Our Secretary at War, otherwise they will not be allowed of at the Musters.
29. WHEN any Officer employed on the Staff of Our Army shall die on Service, the

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the Officer commanding on the Station shall appoint Two Officers, One of whom shall, if practicable, be a Field Officer, who shall secure, if in the United Kingdom, all the Effects of the Deceased in Camp or Quarters, and if out of the United Kingdom, all the Effects of the Deceased within the Station, Colony or Command, and, provided the Heir or legal Representative, being on the Station, pay all the Military Debts, and signify a Wish in Writing to receive such Effects, the Two Officers shall give possession thereof to such Heir or legal Representative, and shall report having so done to Our Secretary at War, or, if no such written Wish be expressed, shall, within One Month after the Death of the Officer, make an Inventory thereof, and, after Payment of the Military Debts, shall pay over the Balance to the Heir or legal Representative of such deceased Officer, if present on the Station, upon the Production however, if the Amount be Fifty Pounds or upwards, of Probate of the Will, or of Letters of Administration, and shall send a Report thereof, with a Copy of the Inventory, and an Account of the Debts and Credits, to Our Secretary at War ;—and if there be no Heir or legal Representative present, shall, if at home, remit the Balance to the General Agent for the Recruiting Service in *London*, or if in *India*, deposit the Balance in the Hands of the Paymaster of Our *Indian Forces*, for the Purpose of being paid



paid over to Our Secretary at War by Our Secretary of State in Council of *India*, and shall thereupon transmit the Receipt of such Paymaster to Our Secretary at War direct ; —and if at any Station abroad, excepting *India*, shall lodge the Balance in the Commissariat Chest, taking a Receipt for the same from the Officer in charge of the Commissariat Chest, which Receipt, together with the Inventory and the Account of Debts and Credits, they shall transmit to Our Secretary at War, making at the same Time a full Report of their Proceedings to the Officer commanding on the Station ; —in order, in every such Case, to the Balance being paid over to the legal Representative, under the Directions of Our Secretary at War.

\*30.

WHEN any Commissioned Officer shall die in Our Service, the Major of the Regiment, or the Officer doing the Major's Duty in his Absence, shall immediately secure, if in the United Kingdom, all the Effects of the Deceased then in Camp or Quarters, and if out of the United Kingdom, all the Effects of the Deceased within the Station, Colony, or Command ; — and, provided the Heir or legal Representative, being present at Head Quarters or on the Station, pay all Regimental Debts and Quarters, and signify a Wish in Writing to receive such Effects, the Major shall give possession to such Heir

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or legal Representative, and shall report his having so done to Our Secretary at War ; — or if no such written Wish be expressed shall, within *One Month* after the Death of the Officer, with the Assistance of *Two* other Officers not under the Rank of Captain, unless when Officers of that Rank cannot be had, to be appointed by the Commanding Officer of the Regiment, make an Inventory thereof, and after Payment of Regimental Debts and Quarters place the Balance in the Hands of the Paymaster, to be by him paid to the Heir or legal Representative of such deceased Officer, if present at Head Quarter, upon the Production however, if the Amount be Fifty Pounds or upwards, of Probate of the Will, or of Letters of Administration ; — and a Report thereof, with a Copy of the Inventory and an Account of the Debts and Credits, shall be sent to Our Secretary at War ; — but if there be no Heir present, then the Inventory and the said Account shall be transmitted to Our Secretary at War ; — and the Paymaster shall credit the Balance in the next Regimental Pay List ; — or if the Regiment be in *India* shall deposit the Balance in the Hands of the Paymaster of Our *Indian* Forces, for the Purpose of being paid over to Our Secretary at War by Our Secretary of State in Council of *India*, and shall thereupon transmit the Receipt of such Paymaster to Our Secretary at War direct ; — in order,

in every such Case, to the Balance being paid over to the legal Representative, under the Directions of Our Secretary at War.

\*31.

WHEN any Non-commissioned Officer or Soldier shall die in Our Service, the Officer commanding the Troop or Company to which the Man belonged shall immediately secure, if in the United Kingdom, all the Effects of the Deceased then in Camp or Quarters, and if out of the United Kingdom, all the Effects of the Deceased within the Station, Colony, or Command;—and shall, with the Assistance of *Two* other Commissioned Officers, forthwith make an Inventory thereof, and shall within *One Month* of the Death of the Soldier, after Payment of Regimental Debts and Quarters, place the Balance in the Hands of the Paymaster, to be by him paid to the Heir or legal Representative, if present at Head Quarters, upon the Production however, if the Amount be Fifty Pounds or upwards, of Probate of the Will, or of Letters of Administration;—and a Report thereof, with a Copy of the Inventory, and an Account of the Debts and Credits, shall be sent to Our Secretary at War;—but if there be no Heir present then such Paymaster shall transmit the Inventory and the Account to Our Secretary at War;—and credit the Balance in the next Regimental Pay List;—or if the Regiment be in *India*, shall deposit

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deposit the Balance in the Hands of the Paymaster of Our *Indian* Forces, for the Purpose of being paid over to Our Secretary at War by Our Secretary of State in Council of *India*, and shall thereupon transmit the Receipt of such Paymaster to Our Secretary at War direct ; — in order, in every such Case, to the Balance being paid over to the legal Representative, under the Directions of Our Secretary at War.

WHEN any Soldier shall desert from Our Service, or be delivered up as an Apprentice, or be convicted of Felony by the Civil Power, the Officer commanding the Troop or Company shall immediately secure all his Effects ; — and shall, with the Assistance of *Two* other Commissioned Officers, forthwith make an Inventory thereof, and within Three Months of the Date when the Soldier became non-effective shall, after Payment of Regimental Debts and Quarters, place the Balance in the Hands of the Paymaster, to be by him credited in his public Accounts, the Paymaster transmitting the Inventory, together with an Account of the Debts and Credits, to Our Secretary at War.

32.

EVERY Non-commissioned Officer and Soldier of Our Forces shall be provided with a Book, calculated to show his Services, Age, Date of Enlistment, and

\*33.

and the actual State of his Accounts, in conformity with Our Regulations on this Head ;—and every Commanding Officer shall state, upon the Monthly Return of the Regiment under his Command, whether all the Non-commissioned Officers and Soldiers of the Regiment are in possession of the said Books, and whether the Orders on this Head are properly attended to.

34. THE Accounts of Our Forces shall be made up and transmitted according to such Regulations as We may think fit to establish in relation thereto.

## SECTION II.

### CRIMES AND PUNISHMENTS.

#### DIVINE WORSHIP.

35. ANY Officer or Soldier who, not having a just Impediment, shall not attend Divine Service in the Place appointed for the assembling of the Corps to which he belongs ;—or who, being present, shall behave indecently or irreverently ;—or who shall offer Violence to a Chaplain of the Army, or to any other Minister of God's Word, shall be liable, if an Officer, to such Punishment as by a *General Court-martial* shall be awarded, and if a Soldier, to such Punishment as by a *General, District or Garrison Court-martial* shall be awarded.

ANY

**ANY Non-commissioned Officer or Soldier who, without due Cause or without Leave from his Commanding Officer, shall absent himself from the Garrison or Regimental School, when duly ordered to attend there, shall be liable to be tried before a Court-martial for Disobedience of Orders, or be subject to such Punishment as it may be competent for his Commanding Officer to award.**

36.

**ANY Commissioned Chaplain who shall absent himself from his Duty (excepting in case of Sickness or Leave of Absence) shall be brought before a *General Court-martial*, and punished as the Circumstances of his Offence may require.**

37.

**ANY Commissioned Chaplain who shall be guilty of Misconduct or vicious Behaviour derogating from the sacred Character with which he is invested, shall, on Conviction before a *General Court-martial*, be discharged from his Office.**

38.

**PERJURY.**

**EVERY Commissioned Officer convicted before a *General Court-martial* of Perjury shall be cashiered;—and every Soldier or other Person subject to these Articles convicted thereof before a *General, District, or Garrison Court-martial*, shall be liable to such Punishments as such Court may award.**

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## MUTINY AND INSUBORDINATION.

40. ANY Officer or Soldier who shall begin, excite, cause, or join in any Mutiny or Sedition in any of Our Land or Marine Forces, or in any Party, Post, Detachment or Guard, on any Pretence whatever;— or who, being present at any Mutiny or Sedition, shall not use his utmost Endeavour to suppress the same;—or who, coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer;—or
41. WHO shall strike a Superior Officer, or use or offer any Violence against him, being in the Execution of his Office;— or who, being confined in a Military Prison, shall strike, use, or offer any Violence against a Visitor or other his Superior Military Officer, being in the Execution of his Office;—or
42. WHO shall disobey the lawful Command of his Superior Officer;—
- SHALL, if an Officer, suffer DEATH, or such other Punishment as by a General Court-martial shall be awarded;—
- AND, if a Soldier, shall suffer DEATH, PENAL SERVITUDE for a Term of not less than Four Years, or such other

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other Punishment as by a *General Court-martial* shall be awarded.

ANY Officer or Soldier who shall use 43.  
traitorous or disrespectful Words against  
Our Royal Person, or any of Our Royal  
Family ; — or

WHO, being concerned in any Fray, 44.  
shall refuse to obey any other Officer  
(though of inferior Rank) who shall order  
him into Arrest ; — or shall draw his  
Sword upon or offer Violence to such  
Officer ; —

SHALL, if an *Officer*, on Con-  
viction of any one of the aforesaid Of-  
fences, before a *General Court-martial*, be  
CASHIERED ; — and if a *Soldier*,  
shall, on Conviction thereof before a  
*General, District, or Garrison Court-mar-*  
*tial*, be liable to such Punishments as such  
Court may award.

ANY Officer or Soldier who shall 45.  
behave with Contempt or Disrespect  
towards the General or other Commander in  
Chief of Our Forces, or shall speak Words  
tending to his Hurt or Dishonour ; — or  
shall strike or offer Violence or use threaten-  
ing language to his Superior Officer ; —

SHALL, if an *Officer*, on Conviction  
thereof, be LIABLE to be CASHIERED ;  
— or to suffer such other Punishment,  
according to the Nature and Degree of the  
Offence,

Offence, as by the Judgment of a *General Court-martial* may be awarded ; —and if a *Non-commissioned Officer or Soldier*, shall, on Conviction thereof, be punished according to the Nature and Degree of the Offence by a *General, District, Garrison, Regimental*, or other Court-martial.

### DESERTION, AND ABSENCE WITHOUT LEAVE.

46. ANY Officer who shall desert Our Service shall suffer DEATH, or such other Punishment, as by a *General Court-martial* shall be awarded ; —

ANY Non-commissioned Officer or Soldier who shall desert Our Service shall suffer DEATH, or such other Punishment as by a *General Court-martial* shall be awarded ; —and if tried by a *District or Garrison Court-martial*, shall suffer such Punishment as such Court may award ; — and any Non-commissioned Officer or Soldier enlisted or in Pay in any Regiment or Corps who shall, without having first obtained a regular Discharge therefrom, enlist himself in any other Regiment or Corps, may be punished as a Deserter from Our Service.

47. ANY Soldier absenting himself without Leave for a Period exceeding *Twenty-one Days* shall be tried for Desertion by a *General*,

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*General, District, or Garrison Court-martial*, unless Permission is given to try such Soldier for Absence without Leave by a *Regimental Court-martial*; — but any Soldier may be tried for Desertion without reference to the Time during which he may have been absent, and may thereupon be found guilty either of Desertion or of Absence without Leave.

ANY Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert Our Service;—or who shall knowingly receive and entertain any Deserter, and shall not immediately on Discovery give Notice to his Commanding Officer, or to Our Secretary at War, or shall not cause such Deserter to be apprehended by the Civil Power;—

48.

SHALL, if an *Officer*, on Conviction thereof before a *General Court-martial*, be CASHIERED;—and if a *Soldier*, shall, on Conviction thereof before a *General, District, or Garrison Court-martial*, be liable to such Punishments as such Courts may award.

IF any Man while belonging to a Militia Regiment shall enlist in and be attested for Our Army, or Our *Indian Forces*, he may be dealt with in the Manner provided for in the 50th Section of the Mutiny Act.

49.

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50.

IF any Soldier while serving in any Regiment or Corps shall confess to his Commanding Officer that he is a Deserter from some other Regiment or Corps, or from the Militia, and Evidence of the Truth or Falsehood of such Confession cannot then be conveniently obtained, a Record of such Confession, signed by such Commanding Officer, shall be entered in the Regimental Books, and such Soldier shall continue to do Duty in the Regiment or Corps in which he shall then be serving, or in any other Regiment or Corps to which he may be transferred, until he shall be discharged, or until legal Proof can be obtained of the Truth or Falsehood of such Confession, of the making of which Confession the said Record, or a Copy thereof purporting to bear the Signature of the Officer having the Custody of the Regimental Books, shall be sufficient Evidence;—and in any Case where such Confession shall then appear to be true, such Soldier may be arraigned before a *General, District, or Garrison* Court-martial on a Charge for Desertion, and, if convicted, may be punished accordingly;—and where such Confession shall appear to be false, such Soldier may be arraigned before a *District or Garrison* Court-martial on a Charge for making a false Statement to his Commanding Officer;—and he may, if convicted, be sentenced to such Forfeitures, in respect of Pay, Pension, Annuities, and Medals,

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Medals, as may be awarded in the Case of a Conviction for Desertion, in addition to any other Punishment such Court may award in respect of the Charge on which he is arraigned ;——a Letter purporting to be written in reply to an Inquiry respecting the Truth or Falsehood of such Confession, and to be signed by or on behalf of the Commanding Officer of the Regiment or Corps from which such Soldier confesses himself to have deserted, shall be admissible in Evidence against such Soldier, and shall be deemed to be legal Evidence of the Facts stated therein.

OUR Commander in Chief may dispense with the Trial of any Soldier for Desertion in any Case in which it shall appear that there are special Circumstances to justify such Dispensation ;——Our Commander in Chief may also order any Soldier who, while serving in any Regiment or Corps, confesses himself to be a Deserter from another Regiment or Corps, to continue to serve in the Regiment or Corps in which he shall be then serving. 51.

IT shall be lawful for a *District or Garrison* Court-martial, in addition to any other Punishment which such Court may award, to sentence any Soldier convicted of Desertion to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might accrue from future Service ;——and such Court 52.

- Court may further recommend any Soldier convicted of Desertion to be discharged with Ignominy from Our Service ;—but when such Recommendation is made in the Case of a Soldier entitled to a Pension on Discharge, Forfeiture of all Claim to Pension on Discharge shall form Part of the Sentence of the Court.

IN any Case, however, of such Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, on Conviction of Desertion, if the Soldier shall have subsequently served and performed good, faithful, or gallant Services in Our Army, he may, on the same being duly certified by Our Commander in Chief, be eligible to be restored to the Benefit of the whole or of any Part of his Service ;—and should the Restoration be approved by Us, Our Order for the same will be signified through Our Secretary at War.

53.

EVERY Soldier shall be liable to be tried and punished for Desertion from any Regiment or Corps into which he may have unlawfully enlisted, although he may of right belong to another Regiment or Corps, and be a Deserter therefrom ;—and any Number of Charges for Desertion may form the Subject of a single Arraignment.

54.

ANY Soldier who, without Leave from his Commanding Officer, shall absent himself



himself from his Quarters, Garrison, or Camp, or from his Troop, Company, or Detachment, or who, without a Pass or Leave in Writing from his Commanding Officer, shall be found One Mile or upwards from the Camp, shall, on Conviction thereof, be punished, according to the Degree of the Offence, by a *General* or other Court-martial.

IF any Soldier shall absent himself without Leave for any Period not exceeding *Five Days*, and shall not account for the same to the Satisfaction of his Commanding Officer, and if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may, in addition to any minor Punishment he is authorized to award, order that such Soldier shall be imprisoned for any Period not exceeding *One hundred and sixty-eight Hours*, with or without Hard Labour, or with or without Solitary Confinement, as the said Commanding Officer may think fit;—and any Soldier who shall have absented himself as aforesaid may, in addition to or instead of such Imprisonment, or other Punishment which the Commanding Officer has Authority to inflict, be further deprived, by Order of his Commanding Officer, of his Pay for the Day or Days of such Absence.

ANY Soldier ordered by his Commanding Officer to suffer Imprisonment or  
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Deprivation of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence instead of submitting to such Imprisonment or Deprivation.

OFFENCES IN THE FIELD, CAMP,  
GARRISON, OR QUARTERS.

55. ANY Officer or Soldier who shall hold Correspondence with or give Intelligence to the Enemy, directly or indirectly,——or relieve with Money, Victuals, or Ammunition, or knowingly harbour or protect, and Enemy ;——or
56. MISBEHAVE before the Enemy, or shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which it was his Duty to defend ;——or shall compel, or speak Words, or use other Means to induce the Governor or Commanding Officer, or any other Person, to deliver up to the Enemy, or to abandon, any Garrison, Fortress, Post, or Guard ;——or
57. LEAVE his Commanding Officer or his Post to go in search of Plunder ;——or
58. TREACHEROUSLY make known the Watchword to any Person not entitled to receive it according to the Rules and Discipline of War ;——or
59. BY discharging Fire-arms, drawing Swords, beating Drums, making Signals, using

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using Words, or by any Means whatever, intentionally occasion False Alarms in Action, Camp, Garrison, or Quarters ;—or

CAST away his Arms or Ammunition in Presence of an Enemy ;—or 60.

WHO, being a Sentinel, shall be found sleeping on his Post, or shall leave it before being regularly relieved ;—or 61.

WHO, being employed in Foreign Parts, shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of Our Forces ;—or force a Safeguard ;—or break into any House or Store or Cellar for Plunder ;— 62.

SHALL on Conviction of any one of the aforesaid Offences suffer DEATH, PENAL SERVITUDE for a Term of not less than Four Years, or such other Punishment as by a *General Court-martial* shall be awarded.

ANY Officer or Soldier who shall send any Flag of Truce to the Enemy without due Authority ;—or 63.

WHO shall give a Parole or Watchword different from what he received, without good and sufficient Cause ;—or 64.

WHO shall, in Operations in the Field, spread Reports by Words or by Letters calculated to create unnecessary Alarm by spreading such Reports, either in the 65.

the Vicinity or in Rear of the Army ;——  
or

66. WHO shall, in Action or previously to going into Action, use Words tending to create Alarm or Despondency ;——or
67. WHO shall, either verbally or in Writing, disclose the Numbers, Position, Magazines, or Preparations of the Army for Sieges or Movements, and by such Disclosures shall produce Effets injurious to Our Army and Our Service ;——or
68. WHO shall leave the Ranks in order to secure Prisoners or Horses, or on Pretence of taking wounded Officers or Men to the Rear, without Orders from his Superior Officer ;——or
69. WHO shall leave his Guard, Picquet, or Post ;——or shall be taken Prisoner by any Want of due Precaution, or by Disobedience of Orders ;——or fall into the Enemy's Hands by passing through Outposts ;——or
70. WHO shall irregularly detain, seize, or appropriate to his own Corps or Detachment, Bread, Spirits, Forage, or any Supplies proceeding to the Army, contrary to the Orders issued in that respect ;——or
71. WHO, being in command of any of Our Garrisons, Forts, or Barracks, shall connive at the Exaction of exorbitant Prices for Houses or Stalls let to Suttlers ;——or

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lay any Duty upon, or take any Fee or Advantage, or be in any way interested in the Sale of Provisions or Marchandise brought into Places under his Command ;—or

WHO shall impede the Provost Marshal or any other Officer legally exercising Authority ; — or refuse to assist him when requiring his Aid in the Execution of his Duty ;—or 72.

WHO, being under Arrest, or in Prison, shall leave or escape from his Confinement before he is set at liberty by proper Authority ;— 73.

SHALL, if and *Officer*, on Conviction of any one of the aforesaid Offences, before a *General Court-martial*, be CASHIERED ;—and if a *Soldier*, shall, on Conviction thereof before a *General, District, or Garrison Court-martial*, be liable to such Punishments as shall accord with the Provisions of the Mutiny Act and with the Usage of the Service.

ANY Officer or Soldier who shall fail to appear at the Place of Parade or Rendezvous appointed by his Commanding Officer, or shall go from thence without Leave before he shall be relieved ; — or who shall, without urgent Necessity, quit his Platoon or Division ;—or 74.

WHO, in the United Kingdom or *British Isles*, shall by discharging Fire-arms, 75.

arms, drawing Swords, beating Drums or by any other Means whatever, occasion false Alarms in Camp, Garrison, or Quarters ;  
——or

76. WHO shall not, within *Twenty-four Hours* after the Commitment of any Prisoner, or as soon as he shall be relieved from his Guard or Duty, give in Writing the Prisoner's Name and Crime, and the Name and Rank of the Officer or other Person who committed him, to the Officer commanding the Garrison or Regiment to whom he may be ordered to report ;——or

77. WHO, when in Command of a Guard, Picquet, or Patrole, shall, without proper Authority, release any Prisoner committed to his Charge, or shall suffer him to escape ;——or

78. WHO shall unnecessarily detain any Prisoner in Confinement, without bringing him to Trial ;——or

79. WHO shall neglect to obey any Garrison or other Orders ;——

SHALL, if an *Officer*, on Conviction of any one of the aforesaid Offences, be **LIABLE** to be **CASHIERED**,——or suffer such other Punishment, according to the Nature and Degree of the Offence, as be the Judgment of a *General Court-martial* may be awarded ;——and, if a  
Non-

*Non-commissioned Officer or Soldier*, shall, on Conviction of any of the aforesaid Offences, be punished according to the Nature and Degree of the Offence by a *General, District, Garrison, Regimental*, or other Court-martial.

### DRUNKENNESS.

ANY Officer or Soldier who shall be found drunk on any Duty under Arms;—

80.

SHALL, if an *Officer*, on Conviction thereof before a *General Court-martial*, be CASHIERED;— and if a *Soldier*, shall, on Conviction thereof before any Court-martial, be liable to be deprived of a Penny a Day of his Pay for any Period not exceeding *Sixty Days*, in addition to such Punishments as shall accord with the Provisions of the Mutiny Act and with the Usage of Our Service.

ANY Soldier who shall be drunk when on any Duty not under Arms, or for Duty or on Parade, or on the Line of March, may, on Conviction thereof by any Court-martial, be sentenced to be deprived of a Penny a Day of his Pay for any Period not exceeding *Thirty Days*, in addition to any other Punishment which such Court shall award.

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ANY



82. **ANY** Soldier who shall have been drunk *Four Times* within *Three hundred and sixty-five Days*, or *Twice* drunk when on or for Duty or on Parade, or on the Line of March, may in all Cases be charged with habitual Drunkenness, and shall be deprived of *One Penny* a Day of his Pay, for any Period not exceeding *One hundred and sixty-eight Days*, if convicted thereon before a *Regimental* or *Detachment Court-martial*, and for any Period not less than *One hundred and sixty-eight Days*, and not exceeding *Six hundred and seventy-two Days*, if convicted before a *General, District, or Garrison Court-martial*; — and in addition to any such Punishment the Court may (if it shall think fit) sentence such Offender to any other Punishment which the Court may be competent to award.

**ALL** the Instances of Drunkenness set forth in the Charge, other than that which occurred last, shall be proved by reference to the Defaulters Books, or by satisfactory Evidence of the Entries therein; — and if the Instance of Drunkenness which occurred last should be proved, but the Offence of habitual Drunkenness should not be proved, the Court may acquit the Prisoner upon the Charge for habitual Drunkenness, and find him guilty upon the single Instance of Drunkenness, and sentence him accordingly.

**ANY**



ANY Soldier who, at any Time within *One hundred and sixty-eight Days* after a Conviction for habitual Drunkenness, shall be drunk *Twice*, or shall be *Once* drunk when on or for Duty or on Parade, or on the Line of March, shall on Proof thereof be again convicted of habitual Drunkenness, and shall, over and above any former Forfeiture or Forfeitures of Pay, be further deprived of *One Penny a Day* of his Pay for any Period not exceeding *One hundred and sixty-eight Days*, if convicted before a *Regimental* or *Detachment* Court-martial, and for any Period not less than *One hundred and sixty-eight Days*, and not exceeding *Six hundred and seventy-two Days*, if convicted before a *District* or *Garrison* Court-martial;—and in addition to such Punishment the Court may sentence such Offender to any other Punishment which the Court may be competent to award.

BUT if a Charge of Drunkenness on Duty under Arms, or of Drunkenness when on or for Duty or on Parade, or on the Line of March, be included in a Charge of habitual Drunkenness, the Court shall not pass any Sentence of Deprivation of Pay in respect of such Charge of Drunkenness whether on Duty or for Duty, or on Parade, or on the Line of March, but the Deprivation awarded by the Sentence of the Court shall be in respect of habitual Drunkenness only;—and no Instance of Drunkenness which

ANY

which has on a former Occasion formed Part of a Charge of habitual Drunkenness, of which a Soldier has been convicted, is again to be adduced against him in support of a similar Charge;—and in no Case shall any Soldier, by reason of being drunk on or for Duty or Parade, or on the Line of March, or by reason of habitual Drunkenness, be at any one Time placed under Forfeitures of Pay, exceeding in the whole the Amount of *Three-pence per Diem*;—such Soldier, nevertheless, being again convicted of being drunk on or for Duty or Parade, or on the Line of March, or of habitual Drunkenness, may be placed under Forfeitures of Pay to commence at the Expiration of a previous Sentence of Forfeiture, and may be sentenced to any other Punishment which the Court is competent to award.

WHEN a former Conviction of habitual Drunkenness is stated in any Charge of habitual Drunkenness, such Conviction must be proved by the Production either of the Court-martial Book, or of the Regimental or Company's Defaulters Book, containing the Entry thereof, or if such Books cannot be produced, then by a Copy of the Entry in one or other of them duly authenticated;—and if any Soldier convicted of having been drunk when on or for Duty or on Parade, or on the Line of March, or convicted of habitual Drunkenness, and sentenced in either

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either Case to Forfeiture of One Penny a Day or more of his Pay, shall be at or removed to a Station where Liquor is issued in Kind, or shall be embarked on board of any Vessel where Liquor is provided as a Part of the Ration, such Soldier shall be deprived of his Liquor, and the Equivalent of One Penny a Day of his Pay shall thereupon also be considered as forfeited, for so long a Time as such Soldier shall be at such Station, or on board such Vessel, and his Sentence to Forfeiture of Pay shall continue in force.

DISGRACEFUL CONDUCT.

ANY Officer who shall behave in a scandalous Manner, unbecoming the Character of an Officer and a Gentleman ;—

83.

SHALL, on Conviction thereof before a *General Court-martial*, be **CASHIERED**.

ANY Officer or Soldier, or other Person employed in the War Department, or in any way concerned in the Care or Distribution of any Money, Provisions, Forage, Arms, Ammunition, Clothing, or other Stores belonging to Our Army, or for Our Use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same, knowing them to have been stolen, or shall be concerned therein, or connive thereat ;—

84.

MAY, on Conviction thereof before a *General Court-martial*, be sentenced to *Penal*

*Penal Servitude* for any Term of Years not less than Four,—or to such other Punishment as shall accord with the Provisions of the Seventeenth Section of the Mutiny Act ;—and on the Trial of such Offender, such Court shall proceed in all Particulars in accordance with the Provisions of the said Section ;—

AND such Offender, on Conviction thereof before a *District* or *Garrison* Court-martial, shall be liable to the Punishments attached to disgraceful Conduct.

85. ANY Soldier who shall malingering, feign or produce Disease or Infirmary, — or shall wilfully do any Act,—or wilfully disobey any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmary,—or delaying his Cure ;—

Or who SHALL

WILFULLY maim or injure himself or any other Soldier, whether at the Instance of such other Soldier or not, or cause himself to be maimed or injured by any other Person, with Intent thereby to render himself or such other Soldier unfit for Service ;—

Or who SHALL

TAMPER with his Eyes, with Intent thereby to render himself unfit for Service ;—

Or

Or who SHALL

**STEAL** any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or who shall receive any such Money or Goods knowing them to have been stolen ;—

Or who SHALL

**STEAL** or embezzle Government Money or Property, or shall receive the same knowing them to have been stolen or embezzled ;—

Or who SHALL

**COMMIT** any other Offence of a felonious or fraudulent Nature ;—

Or who SHALL

Be guilty of any other disgraceful Conduct of a cruel, indecent, or unnatural Kind ;—

**MAY** be tried on a Charge for *disgraceful* Conduct, and on Conviction thereof before a *General District*, or *Garrison Court-martial*, be sentenced, in addition to Corporal Punishment, or to Imprisonment, or to any other Punishment which the Court may be competent to award, to Forfeiture of all Advantage as to additional Pay,

Pay, Good-conduct Pay, and Pension on Discharge which might otherwise have accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, and to Forfeiture of any Good-conduct Badges, Medals, or Decorations and of any Annuities or Gratuities relating thereto and if convicted on a Charge for fraudulently obtaining Commissariat Supplies shall be liable to be degraded to the Second Class ;—and the Court may recommend any Soldier convicted of disgraceful Conduct to be discharged with Ignominy from Our Service ;—but when such Recommendation is made in the Case of a Soldier entitled to a Pension on Discharge, Forfeiture of all Claim to Pension on Discharge shall form Part of the Sentence of the Court.

86. ANY Soldier, whether on or off Duty, who shall become maimed or mutilated or injured, except by Wounds received in Action, shall be forthwith brought before a Court of Enquiry ;—and such Court shall report their Opinion whether such maiming or mutilating or injuring was occasioned by Design, and if the Court shall report that the maiming or mutilating or injuring was not occasioned by Design, the Soldier shall not be liable to be called to account in respect thereof ;—but if the Court shall report their Opinion that such maiming

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maiming or mutilating was occasioned by the designed and wilful Act of such Soldier, or by any other Person at the Instigation of such Soldier, with Intent on the Part of such Soldier to render himself unfit for the Service, and not by Accident, in that Case the Soldier shall be forthwith put upon his Trial before a *General, District, or Garrison Court-martial* on a Charge for *disgraceful Conduct*, and such Soldier shall not be discharged from Our Service (unless specially directed by Our Commander in Chief to be discharged), but shall be retained, and employed on such Duties or Military Work as We may from Time to Time direct, through the Commander in Chief of Our Forces;—and the Proceedings of such Court of Enquiry and of such Court-martial shall be transmitted, through Our Judge Advocate General, to Our Commander in Chief, and afterwards by Our Secretary for War to Our Commissioners of *Chelsea Hospital*, in order that they may, when the Case comes before them, have the best Means of arriving at a just Decision, either to grant or to withhold from such Soldier a Pension;—or

ANY Soldier who shall be convicted of having tampered with his Eyes, with Intent thereby to render himself unfit for Service,—shall not be entitled to his Discharge or to a Pension;—but shall be detained in an Eye Infirmary or Military Hospital,



Hospital, or shall be sent to his Parish, or dismissed, according to Our Directions given from Time to Time to Our Commander in Chief.

### FALSE RETURNS.

88. ANY Officer who shall, through Design or culpable Neglect, omit or refuse to make or send a Return or Report;— or shall make a Return or Report, to Us, to the Commander in Chief of Our Forces, to Our Secretary at War, or to any his Superior Officer, authorized to call for a Return or Report of the State of any Regiment, Troop, or Company, Garrison or Corps, under his Command, knowing such Return or Report, or any Statement therein, to be false;—or
89. WHO shall make a false Muster of Man or Horse, or shall knowingly allow or sign any Muster Roll, Pay List, Certificate, or Return wherein such false Statement is contained, or any Duplicate thereof;— or who shall intentionally allow to be given any untrue Documents, or conceal or omit the true Facts directed to be stated, whereby to excuse any Officer or Soldier from Muster or Duty, by withholding the Names of absent Persons, or the true Reasons and Time of Absence;—or
90. WHO shall, by any false Statement, Certificate, or Document, or Omission of the true Statement, attempt to obtain for any

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ANY Officer or Soldier who shall  
make or be privy to the making of any  
false Entry, Alteration, or Erasure in any  
Account, Description Book, Attestation,  
Record, Register, Discharge, or other Do-  
cument, whereby the real Services, Causes  
of Discharge or Disability, Wounds, Con-  
duct of, or Sentences of Courts-martial  
upon, any Person whatsoever, shall not be  
truly given, or who shall wilfully omit to  
report or record any other Facts relating  
thereto, which it was his Duty to have  
done in conformity with Our Regulations;  
— or

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WHO shall intentionally give any  
false Return or Report or Statement what-  
soever of Arms, Ammunition, Clothing,  
Money, Stores, or any Provisions belong-  
ing to Us, or for the Use of Our Forces; —  
or who shall, by any false Document, be  
concerned in or connive at any fraudulent  
Embezzlement of the Stores aforesaid, or  
who shall, by producing any false Certificates  
or Vouchers or Accounts, or in any other  
Way, misapply the Public Money, for Pur-  
poses other than those for which it was  
intended; — or

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93. **WHO** shall, by any Concealment or wilful Omission, attempt to evade the true Spirit and Meaning of Our Orders and Regulations relating to the foregoing Points ;—

**SHALL**, if an *Officer*, on Conviction of any one of the aforesaid Offences, before a *General Court-martial*, be **CASHIERED** ;—

**AND** if a *Soldier*, shall be liable to be arraigned before a *General, District, or Garrison Court-martial* on a Charge for disgraceful Conduct, and on Conviction thereof to be punished accordingly.

94. **ANY** Officer who shall have signed Certificates, Returns, or Forms of Accounts in Blank, before the Paymaster, Quartermaster, or other Person concerned in making up the said Documents has inserted therein the whole of the Circumstances for which the Officer's Signature is to be a **Voucher** ;—

**SHALL**, on Conviction thereof, be **LIABLE** to be **CASHIERED**,—or suffer such other Punishment, according to the Nature and Degree of the Offence, as by the Judgment of a *General Court-martial* may be awarded.

**BILLET**

BILLETS AND CARRIAGES.

95. ANY Officer or Soldier who shall demand Billets for more than his effective Men;—or quarter Wives and Children or Servants in Houses, without the Consent of the Occupiers;—or take Money for freeing from Billets;—

SHALL, if an *Officer*, on Conviction thereof before a *General Court-martial*, be CASHIERED;—and, if a *Soldier*, shall, on Conviction thereof before a *General, District, or Garrison Court-martial*, be liable to such Punishments as shall accord with the Provisions of the Mutiny Act and with the Usage of Our Service.

96. ANY Officer or Soldier who shall be guilty of any Ill-treatment of Landlords by Violence, Extortion, or making Disturbances in Billets;—and any Commanding Officer who shall refuse or neglect to cause Reparation to be made for such Ill-treatment, after receiving Proof of the Justice of the Complaint;—and

97. ANY Officer commanding any Corps or Detachment who shall not take care that his own Quarters and Billets, and those of all Officers and Soldiers under his Command, be cleared, and the Accounts regularly settled at the End of Every Four Days, or before the Troops shall quit their Quarters,

Quarters, if they do not remain Four Days;—and

98. ANY Officer or Soldier who shall permit Carriages pressed for Baggage to be overloaded, or shall permit the Persons attending them to be ill-treated, or to be forced to take upon their Carriages (except on Emergencies as provided for by Law) any Women, or any Soldiers, other than the sick and lame;—or who shall refuse to certify the Sums due for Carriages, and the Name of the Corps employing them;—

SHALL, if an *Officer*, on Conviction of any one of the aforesaid Offences, be **LIABLE** to be **CASHIERED**,—or suffer such other Punishment, according to the Nature and Degree of the Offence, as by the Judgment of a *General Court-martial* may be awarded;—and if a *Non-commissioned Officer or Soldier*, shall, on Conviction of any of the aforesaid Offences, be punished, according to the Nature and Degree of the Offence, by a *General, District, Garrison, Regimental*, or other Court-martial.

#### RECRUITING.

99. EVERY Person subject to these Articles who shall wilfully contravene any of the Provisions of the Mutiny Act, or the Regulations of the Service, in any Matter relating

relating to the enlisting or attesting of Recruits, may be tried for such Offence before a *General, District, or Garrison* Court-martial, and be sentenced to such Punishments, other than Death or Penal Servitude, as such Court may award.

MISCELLANEOUS OFFENCES.

ANY Officer or Soldier who on Application being made to him for that Purpose shall wilfully neglect or refuse to deliver over to the Civil Magistrate,—or to assist in the Apprehension of Officers or Soldiers accused of Crimes punishable by Law ;—or 100.

WHO shall protect any Person from his Creditors on the Pretence of his being a Soldier,—or who shall protect any Soldier not actually doing Duty as such in any Manner not allowed by the Mutiny Act ;— 101.

SHALL, if an *Officer*, on Conviction of any one of the aforesaid Offences before a *General* Court-martial, be CASHIERED ;—and if a *Soldier*, shall, on Conviction thereof before a *General, District, or Garrison* Court-martial, be liable to such Punishments as such Courts may award.

EVERY Person subject to these Articles who shall fight or promote a Duel, 102.

or take any Steps thereto, or who shall not do his best to prevent a Duel, shall,—if an Officer, be liable to be CASHIERED, or to suffer such other Punishments as a General Court-martial may award;— if other than an Officer, shall be liable to such Punishments as a General, District, or Garrison Court-martial may award.

103. EVERY Officer whose Character or Conduct as an Officer and Gentleman has been publicly impugned, shall within reasonable Time submit the Case to his Commanding Officer, or to other competent Military Authority for Investigation, on pain of suffering such Punishment as a General Court-martial may award.

104. ANY Officer or Non-commissioned Officer who shall strike or otherwise ill-treat any Soldier;—or

105. ANY Soldier who shall hire, or any Officer or Non-commissioned Officer who shall connive at a Soldier hiring, another Person to do his Duty for him;—or

106. ANY Soldier who shall pawn, sell, lose by Neglect, make away with, or wilfully spoil his Arms, Accoutrements, or Necessaries, — or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear, on the Recommendation of the Surgeon

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geon, for the Benefit of his Health ;—or  
spoil or wilfully deface or make away with or  
pawn his Medal granted him for Service in  
the Field, or for general good Conduct by  
Our Order, or by Order of the late *East India*  
Company ;—or sell, lose by Neglect, make  
away with, or ill-treat his Horse ;—or

ANY Officer or Soldier who shall  
commit any Waste or Spoil, either in Walks  
of Trees, Parks, Warrens, Fishponds,  
Houses, or Gardens, Vineyards, Olive  
Gro — Corn Fields, Enclosures, or Mea-  
dow : — or shall maliciously destroy any  
Property ; — whether belonging to Our  
own Subjects, or to Inhabitants of other  
Countries : — unless the Destruction of  
Property shall be ordered by the Com-  
mander in Chief of Our Forces, to annoy  
Rebels or other Enemies in Arms against  
Us ; —

107.

SHALL, if an *Officer*, on Convic-  
tion of any one of the aforesaid Offences,  
be **LIABLE** to be **CASHIERED**, — or  
suffer such other Punishment, according  
to the Nature and Degree of the Offence,  
as by the Judgment of a *General Court-*  
*martial* may be awarded ; — and, if a  
*Non-commissioned Officer or Soldier*, shall,  
on Conviction of any of the aforesaid Of-  
fences, be punished, according to the Nature  
and Degree of the Offence, by a *General*,  
*District, Garrison, Regimental*, or other  
*Court-martial*.

AND

108.

AND all Crimes not capital,—and all Acts, Conduct, Disorders, and Neglects,—which Officers and Soldiers, and other Persons subjects to these Our Articles of War, may be guilty of, to the Prejudice of good Order and Military Discipline,—though not specified in the foregoing Cases, or in these Our Articles of War,—shall be taken cognizance of by Courts-martial, according to the Nature and Degree of the Offence, and the Offender shall suffer such Punishment as the Court may award.

### SECTION III.

#### COURTS-MARTIAL.

##### COMPOSITION OF COURTS MARTIAL.

109.

**A** GENERAL Court-martial convened in *British Columbia, Vancouver's Island, Saint Helena*, the Settlements on the *Western Coast of Africa, Honduras, New Zealand*, the *Australian Colonies, Hong Kong*, the Settlements on the *Coast of China*, the *Prince of Wales Island, Singapore*, or *Malacca*, shall consist of not less than *Five* Commissioned Officers;—if convened in *Jamaica*, the *Windward and Leeward Islands*, *British Guiana*, *Newfoundland*, *Bermuda*, the *Bahamas*, the

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*Cape of Good Hope* or other Settlements in *Southern Africa*, or in any Place out of Our Dominions, excepting the *Ionian Islands*, it shall consist of not less than *Seven*,—and if convened in any other Part of Our Dominions, or in the *Ionian Islands*, it shall consist of not less than *Thirteen*, Commissioned Officers;—and no Field Officer shall be tried by any Person under the Degree of Captain.

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ANY Officer commanding any Detachment or Portion of Our Troops, which may at any Time be serving in any Place beyond Seas where it may be found impracticable to assemble a General Court-martial, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person serving with or belonging to Our Armies, under his immediate Command, may assemble a Detachment General Court-martial of not less than *Three* Commissioned Officers of any Corps to try any such Person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts-martial.

110.

A *District* or *Garrison* Court-martial shall consist of not less than *Seven* Commissioned Officers, except in *Bermuda*, the *Bahamas*, the *Cape of Good Hope* or other Settlements in *Southern Africa*, *Saint Helena*,

111.

*Helena, Jamaica, Honduras, Newfoundland, New Zealand, the Australian Colonies the Windward and Leeward Islands, British Guiana, Hong Kong, and the Settlements on the Coast of China, where it may consist of Five Commissioned Officers, and in the Princes of Wales Island, Singapore, Malacca, British Columbia, Vancouver's Island, and the Settlements on the Western Coast of Africa, where it may consist of not less than Three.*

112.

**EVERY** *District or Garrison Court-martial* may be composed of any Officers of different Corps, and of Officers of Our Royal Artillery, and Engineers, and Royal Marines, and of Officers of the General Staff, whose Appointments have been duly notified in General or Garrison Orders, provided such Officers are in the Receipt of their Full Pay of the Staff, and are themselves amenable to Military Law, although on the Half Pay of their Regimental Rank ;—or, except for the Trial of Warrant Officers, may be entirely composed of Officers of the same Regiment, assembled by Order of the Senior Officer on the Spot.

113.

**EVERY** *District or Garrison Court-martial* shall be assembled in conformity with the Orders of the Officer under whose Command the Corps is placed, who will previously regulate the holding of Courts-martial within his Command, delegating or with

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withholding the Power to Commanding Officers to convene *District* or *Garrison* Courts-martial as he may deem to be most expedient, or as Our Commander of the Forces may direct.

A Warrant Officer may be tried by a *District* Court-martial, to be appointed by the General Officer commanding Our Forces in the District where the Corps shall be situated, if in the United Kingdom, and if elsewhere, by the Officer commanding in chief on the Station;—and such Court-martial, if convened in *Sumatra, the Bahamas, the Cape of Good Hope, the Settlements in Southern or the Western Coast of Africa, Saint Helena, British Columbia, Vancouver's Island, Jamaica, Honduras, Newfoundland, New Zealand, the Australian Colonies, the Windward and Leeward Islands, British Guiana, Hong Kong, the Prince of Wales Island, Singapore, Malacca, or in the Settlements on the Coast of China*, may consist of Five, and if convened elsewhere shall consist of not less than Seven, Commissioned Officers, and of such Officers not more than *Two* shall be taken from the Regiment in which the Warrant Officer to be tried is serving;—and no more than *Two* of the Members shall be under the Degree of a Captain.

114.

THE Commissioned Officers of every Regiment, Battalion, or Regimental Depôt,  
or

115.

or of a Detachment of Ordnance Corps, commanded by an Officer not under the Rank of Captain, may, by the Appointment of their Colonel or Commanding Officer, without other Authority than these Our Rules and Articles of War, hold *Regimental Courts-martial* consisting of not less than *Five Officers* (unless it be found impracticable to assemble that Number, when *Three* shall be sufficient);—and may inquire into such Disputes or criminal Matters as may come before them;—and the Commanding Officer shall in no Case be a Member of such Court.

116. THE Commissioned Officers of any Detachment or Portion of Our Troops, which may at any Time be serving in any Part of Our Dominions, or elsewhere, or may be embarked on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, although such Detachment or Portion of Our Troops shall consist of Men from different Regiments, may, by the Appointment of the Senior Officer in Command of the Detachment, District, Station, Garrison, Barrack, Island, or Colony, provided he be not under the Rank of a Captain, or in case such Troops shall be on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, by the Appointment of the Senior Officer on board, whatever be his Rank, without any other Authority



Authority than these Our Articles of War, hold *Detachment* Courts-martial, within Our Dominions, or elsewhere, consisting of not less than Five Officers (unless it be found impracticable to ensemble that Number, when Three shall be sufficient) ;—and may inquire into such Disputes or criminal Matters as may come before them, according to the Rules and Limitations observed by *Regimental* Courts-martial.

THE President of every Court-martial shall be appointed by or under the Authority of the Officer convening such Court, and shall in no Case be the confirming Officer, or the Officer whose Duty it has been to investigate the Charges on which the Prisoner is to be arraigned ;—nor in the Case of a General Court-martial, or of a District Court-martial for the Trial of a Warrant Officer, under the Degree of a Field Officer, unless a Field Officer cannot be had ;—nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or at any Place where a Captain cannot be had :—

IN the Case of a Detachment General Court-martial, the Officer convening such Court may be the President thereof.

POWERS

117.



## POWERS OF COURTS-MARTIAL.

118.

A *General Court-martial* may sentence any Officer or Soldier to suffer Death, Penal Servitude for any Term not less than Four Years, Imprisonment, Forfeiture of Pay or Pension, or any other Punishment which shall accord with the Usage of the Service, but no Judgment of *Death* shall pass without the Concurrence of *Two Thirds* at the least of the Officers present.

119.

NO Court-martial, other than a *General Court-martial*, or a *Detachment General Court-martial* having the same Powers as a *General Court-martial*, shall have Power to pass any Sentence of Death or Penal Servitude.

ANY *General Court-martial* may, in addition to any other Punishment which such Court may award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, or to Forfeiture of the Annuity and Medal which may have been granted for former meritorious Service or of the Gratuity and Medal awarded for former good Conduct, and of all Field Medals

Medals and Decorations, according to the Nature of the Case ;—and may also recommend any Offender to be discharged from Our Service with Ignominy.

A Court-martial may award a Sentence of Corporal Punishment, not exceeding Fifty Lashes ;—but no Sentence of Corporal Punishment awarded by a Regimental Court-martial shall, except in the Cases of Mutiny and gross Insubordination herein-after mentioned, be put in execution in Time of Peace without the Leave in Writing of the General or other Officer commanding the District or Station in which the Court may be held, superior to the Officer by whom the said Sentence may have been confirmed.

\*120.

A *General, District, or Garrison* Court-martial may, in addition to any Sentence of Corporal Punishment, award Imprisonment, with or without Hard Labour, and with or without Solitary Confinement.

\*121.

ANY confirming Officer may commute a Sentence of Corporal Punishment to Imprisonment for any Period not exceeding Forty-two Days, with or without Hard Labour, and with or without Solitary Confinement ; —or may mitigate it, either by reducing the Number of Lashes, or by awarding, instead of such Sentence, an Imprisonment for any Period not exceeding  
Twenty

122.

**Twenty Days, with or without Hard Labour, and with or without Solitary Confinement, and Corporal Punishment to be inflicted in the Prison, not exceeding Twenty-five Lashes.**

**THE Solitary Confinement awarded in commutation of a Sentence of Corporal Punishment shall in no Case exceed Seven Days at a Time, with Intervals of not less than Seven Days between each Period of such Confinement.**

**123. WHEN any Court martial shall award a Sentence of Imprisonment, and shall direct that such Imprisonment shall be Solitary Confinement only, the Period of such Solitary Confinement shall in no Case exceed Fourteen Days.**

**124. IN Situations in which it may be impracticable to put in execution Sentences of Solitary Confinement, the convening Officer will give the Court Instructions to that Effect, and the Court in awarding a Sentence of Imprisonment is hereby directed to have regard to such Instructions.**

**125. NO Sentence of a General Court-martial shall be put in execution till after a Report shall have been made of the whole Proceedings to Us ;—or to the Officer commanding in chief ;—or to some other Person duly authorized by Us, under**

under Our Sign Manual, to confirm the same, and until Our or his Directions shall have been signified thereupon;—and no Sentence of Death shall be carried into effect in any of Our Colonial Possessions until it shall have been approved in Our Behalf by the Civil Governor or Person administering the Civil Government.

*A Detachment General Court-martial* shall have the same Powers in regard to Sentence upon Offenders as a *General Court-martial*;—but no Sentence of a *Detachment General Court-martial* shall be executed until the General commanding the Army of which the Division, Brigade, Detachment, or Party forms Part, and to which any Person so tried, convicted, and adjudged shall belong, shall have approved and confirmed the same.

126.

*A General Court-martial* may sentence a Commissioned Officer to Loss of Army or Regimental Rank, in addition to any Reprimand or other Punishment which it may award, by reducing him, if under the Rank and Degree of a Field Officer, to the Bottom of or to any other Place on the List of the Regimental Rank in which he may be serving;—or if a Superior Officer, to the last or any other Place on the List of the Army Rank in which he may be serving;—and in all Cases where the Officer so sentenced to Loss of Rank holds  
Army

127.

Army as well as Regimental Rank, the Loss of Rank may be inflicted in either or both of those Ranks ;—and such Court may sentence such Officer to be imprisoned, in any Case in which the Court shall be authorized by Law and shall deem it necessary, to adjudged such Punishment ;—but it shall not have Power to sentence such Officer to be suspended from doing Duty, or from Pay.

\*128.

A *General, District, or Garrison* Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also direct that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time nor Eighty-four Days in any One Period of Three hundred and thirty-six Days, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods of Solitary Confinement ;—and when the Imprisonment awarded shall exceed Eighty-four Days, the Court shall expressly order that the Solitary Confinement shall not exceed Seven Days in any Twenty-eight Days of the whole Imprisonment awarded, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods.

\*129.

NO Sentence of a *District or Garrison* Court-martial shall be put in execution till it has been confirmed by the General Officer,

Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony.

A Warrant Officer may be tried by a *District* or *Garrison* Court-martial, and may be sentenced to be dismissed from the Service, or to be suspended from Rank and Pay and Allowances for any stated Period, or to be reduced to the Bottom or any other Place in the List of the Rank which he may hold, or to be reduced to an inferior Class of Warrant Officer, or, if he was originally enlisted as a Private Soldier, and continued in the Service until his Appointment to be a Warrant Officer, to be reduced to the Rank of a Private Soldier.

130.

A Warrant Officer may be sentenced by a *General* Court-martial to these and to such other Punishments as such Court is competent to award.

A Warrant Officer shall in no Case be liable to Corporal Punishment.

A *Regimental* or *Detachment* Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time,

\*131.



Time, with an Interval between them of not less Duration than such Period of Solitary Confinement ; — but no Sentence shall be executed until the Commanding Officer shall have confirmed the same ; — nor shall any Sentence of a *Detachment* Court-martial having the same Powers only as a *Regimental* Court-martial be executed, until the Superior Officer on the Spot, not being a Member of the Court, shall have confirmed the same.

\*132.

IN addition to any other Punishment which the Court may award, a Court-martial may further sentence any Offender to be put under Stoppages of Pay until he shall have made good—

Any Bounty or Free Kit fraudulently obtained by him Desertion from his Corps and enlisting in some other Corps or in the Militia :

Any Loss or Damage occasioned by him in any Instance of disgraceful Conduct :

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct :

Any Medal or Decoration for Service in the Field or for general good Conduct which may have been granted to him by Our Order, or any Medal or Decoration

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ration which may have been granted to him by any Foreign Power, which Medal or Medals he may have been authorized to wear, and may have made away with or pawned :

**Any Loss, Destruction, or Damage of his Horse, Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries ;—or of those of any Officer or Soldier ;—or of any extra Article of Clothing or Equipment that he or any other Soldier may have been put in possession of and ordered to wear on the Recommendation of the Surgeon :**

**Any Expense necessarily incurred by his Drunkenness or other Misconduct.**

**EXCEPT** in the Case of the Loss, \*133.  
Destruction, or Damage of any Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Expense shall be ascertained by Evidence, and the Offender shall be placed under Stappages for such an Amount only as shall be proved to the Satisfaction of the Court.

**SO much only of the Pay of the Soldier may be stopped and applied as shall, \*134.  
after**

after satisfying the Charges for Messing and Washing, leave him a Residue of at the least One Penny a Day.

135. WHEN an Offender is put under Stoppages for making away with or pawning any Medal or Decoration, the Amount shall be credited to the Public, but the Medal or Decoration in question shall not be replaced except under special Circumstances, to be determined by the Commander in Chief, with the Concurrence of Secretary of State for War.

136. WHEN any Person subject to these Articles has been sentenced by a Court-martial to Stoppages of Pay, it shall be lawful for Our Commander in Chief, with the Concurrence of Our Secretary of State for War, to remit the whole or any Portion of such Stoppages in any Case where such Remission may appear to be conducive to the Good of Our Service.

\*137. IN case of Mutiny or gross Insubordination, or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, the Offender may be tried by a *Regimental* or *Detachment* Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, not being a Member

a Member of the Court ;——but the Sentence shall not exceed that which a Regimental Court-martial is competent to award ;——and any Sentence, so confirmed, shall be noticed in the monthly Return of Courts-martial sent in to Our Adjutant General, and, if on the Line of March, reported to the General commanding.

NO *Regimental* Court-martial shall try any Soldier for Absence without Leave, if the Absence has exceeded the Period of *Twenty-one Days*, without the Permission of the General or other Officer commanding the Brigade, District, or Garrison ;——nor shall try any Soldier for Desertion.

\*138.

A *Non-commissioned Officer* may be reduced to the Ranks by the Sentence of a *Regimental* or other Court-martial ;——or by the Order of the Commander in Chief, or the Colonel, or in the Militia the appointed Commandant, of the Regiment or Corps ;——and any Non-commissioned Officer so placed or reduced to the Ranks by the Sentence of a Court-martial may, by Order of the same Court, be made to forfeit any Gratuity, Annuity, and Medal which may have been conferred upon him.——The Words Commander in Chief in this Article shall include the Commander in Chief of Our Forces in *India*, and the Commander in Chief of Our

\*139.

**Our Forces in each of the Presidencies in India.**

140.

**WHENEVER** Sentence shall be passed by a Court-martial on an Offender already under Sentence, either of Imprisonment or Penal Servitude, the Court may award Sentence of Imprisonment or Penal Servitude for the Offence for which he is under Trial to commence at the Expiration of the Imprisonment or Penal Servitude to which he shall have been so previously sentenced, although the Aggregate of the Terms of Imprisonment or Penal Servitude respectively may exceed the Term for which any of those Punishments could otherwise be awarded.

141.

**EXCEPT** in the Cases mentioned in the preceding Article, every Term of Penal Servitude, or of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall be signed by the President:—The Place of Imprisonment under the Sentence of *General* Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony in which the Court may be held;—and under the Sentence of any other Court-martial, shall be appointed by the Officer confirming the Proceedings of such Court-martial;—and in default

default of such Appointment, then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Prisoner belongs or is attached.

NO Commanding Officer shall, by giving in against a Prisoner vague and indefinite Charges, try before a *Regimental* Court-martial grave Offences, which are directed to be tried by *General, District, or Garrison* Courts-martial; — BUT as it may be advisable that some of the foregoing Offences, which in certain Cases may admit of less serious Notice, should be tried by *District, Garrison, Regimental, or Detachment* Courts-martial, — in such Cases the Officer commanding the Battalion, Corps, or Detachment, who may deem it advisable so to proceed, shall lay a Statement of the Case, together with the Charge he intends to bring, before the General or other Officer commanding the Brigade, District, or Garrison, with an Application so to proceed. — The General or Superior Officer will exercise his Discretion in directing the Description of Court by which the Offender shall be tried, but the Permission to try grave Offences by a *District, Garrison, Regimental, or Detachment* Court-martial shall be noticed in the monthly Return of Courts-martial sent in to Our Adjutant General.

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143. IN all Places other than the United Kingdom or *British Isles*, whenever the Punishment of Death shall have been awarded by a *General*, or a *Detachment General* Court-martial, the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, may order the Offender to be kept in Penal Servitude for any Term not less than Four Years, or to suffer such Term of Imprisonment, with or without Hard Labour, and with or without Solitary Confinement, as shall seem meet to the Officer commanding as aforesaid.

144. IN all Places other than the United Kingdom or *British Isles*, whenever a Sentence of Penal Servitude shall have been awarded by a *General* or *Detachment General* Court-martial, the Officer commanding in chief Her Majesty's Forces there serving, instead of causing such Sentence to be carried into execution, may order the Offender to suffer imprisonment, (with or without Hard Labour, and with or without Solitary Confinement, such Solitary Confinement not exceeding the Periods prescribed in the 131st Article,) for the same or such lesser Term as shall seem meet to the Officer commanding as aforesaid.



**TRIAL OF CIVIL OFFENCES BY COURT  
MARTIAL IN PLACES WITHIN OUR  
DOMINIONS BEYOND SEAS, OTHER  
THAN THE EAST INDIES, WHERE  
THERE IS NO CIVIL JUDICATURE.**

ANY Officer or Soldier who may be serving in any Place within Our Dominions beyond the Seas, (excepting *India*,) where there is no Civil Judicature in force, by Our Appointment, or under Our Authority, competent to try such Offenders, or who may be serving in Our Garrison of *Gibraltar*, and who shall be accused of Treason, or of any other Civil Offence, which, if committed in *England*, would be punishable by a Court of ordinary Criminal Jurisdiction, and not by a Court-martial, shall be tried by a *General Court-martial* appointed by the Officer commanding in chief in such Place as aforesaid for the Time being;—and if found guilty, shall be liable, in the Case of an Offence which, if committed in *England* would be Capital, to suffer DEATH, or such other Punishment as by the Sentence of such *General Court-martial* shall be awarded;—and in the Case of any other Offence, to suffer such Punishment other than Death, as by the Sentence of such *General Court-martial* shall be awarded;—no such Punishment, nevertheless, to be of such a Nature as shall be contrary to the Usages of *English Law* in regard to the Punish-

145.

**TRIAL**



Punishment of Offenders, or to be carried into effect until such Officer commanding in chief as aforesaid shall have confirmed the same; — and in all Cases where such Court-martial, shall have convicted any such Officer or Soldier of any Offence punishable with Death, it shall be lawful for such Court-martial, instead of sentencing the Offender to Death, to adjudge him to be kept in Penal Servitude for a Term of not less than Four Years; — and We hereby reserve to Ourselves the Power, in all Cases where a Sentence of Death shall have been pronounced on any Officer or Soldier by any General Court-martial as aforesaid, instead of causing such Sentence to be carried into execution, to order the Offender to be kept in Penal Servitude, or to be imprisoned, with or without Hard Labour, for such Period of Time as, on Consideration of all the Circumstances of the Case, shall seem to Us to be most just and fitting.

#### TRIAL OF CIVIL OFFENCES IN THE EAST INDIES.

146.

[See Mutiny Act, Section 105.]

#### TRIAL OF CIVIL OFFENCES IN PLACES OUT OF OUR DOMINIONS.

147.

ANY Officer or Soldier who may be serving with Our Forces out of Our Dominions, who shall be accused of Treason, or of any other Civil Offence which, if committed in *England*, would be

be punishable by a Court of ordinary Criminal Jurisdiction, and not by a Court-martial, shall be tried by a General Court-martial, appointed by the General or other Officer having Power to appoint Courts-martial in such Place for the Time being, and if found guilty shall be liable, in the Case of an Offence which, if committed in *England*, would be Capital, to suffer Death, or such other Punishment as by the Sentence of such General Court-martial shall be awarded;—and in the Case of any other Offence to suffer such Punishment other than Death as by the Sentence of such General Court-martial shall be awarded;—no such Punishment nevertheless, to be of such a Nature as shall be contrary to the Usages of *English* Law in regard to the Punishment of Offenders, or to be carried into effect until confirmed by the General or other Officer by whom or under whose Authority such Court-martial was appointed;—and in all Cases where such Court-martial shall have convicted any such Officer or Soldier of any Offence punishable with Death, it shall be lawful for such Court-martial, instead of sentencing such Offender to Death, to adjudge him to be kept in Penal Servitude for a Term of not less than Four Years;—and in all Cases where such Court-martial shall sentence any Officer or Soldier to Death, it shall be lawful for the General or other Officer commanding Our said Forces in chief, by

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by whose Authority from Us such Court-martial was assembled, instead of causing such Sentence to be carried into execution, to order such Officer or Soldier to be kept in Penal Servitude, or to be imprisoned, with or without Hard Labour, for such Period of Time as to him shall seem meet : —And in the Case of a Commissioned Officer no Sentence of Death or Penal Servitude shall be carried into effect until confirmed by the Officer commanding in chief the said Forces. —But as it may be expedient to hold Detachment General Courts-martial for the Trial of such of the Civil Offences aforesaid as are provided for in the Twelfth Section of the Mutiny Act, the Provisions of this Article shall not be deemed to affect the Jurisdiction of Detachment General Courts-martial in such Cases ; —and those Courts shall in such Cases have the same Powers as are granted by this Article to General Courts-martial ; —and the General or other Officer commanding Our said Forces in chief as aforesaid, shall have the same Powers as regards Detachment General Courts-martial as are conferred on him by this Article in regard to General Courts-martial.

#### MIXTURE OF OFFICERS.

148.

WHERE it is necessary or expedient, a Court-martial, composed exclusively of Officers of Our Army, or of Officers of Our Royal Marines, or of Officers of both those Services,

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Services, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to Our Land or to Our Marine Forces, may try a Person belonging to either of these Services.—When the Person to be tried shall belong to Our Army, then the Proceedings of such Court shall be regulated as if the Court were composed of Officers of Our Army only, and the Provisions of the Mutiny Act and Articles of War for Our Army shall be applicable to the Proceedings of such Court :—When the Person to be tried shall belong to Our Royal Marines, then the Proceedings of such Court shall be regulated as if the Court were composed of Officers of Our Land Forces only, except that the Provisions of such Act and Articles of War as shall be in force for the Regulation of Our Royal Marine Forces while on shore shall be applicable.

IF is Our Will and Pleasure that *General Courts-martial* upon Officers and Soldiers of Our Regiments of Life Guards or Horse Guards, for Differences arising purely among themselves, or for Crimes relating to Discipline or Breach of Orders, shall be composed of Officers serving in any or all of those Corps (as they may be most conveniently assembled), and they are to take Rank according to their Commissions.

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IN like Manner also, the Officers of Our Three Regiments of Foot Guards shall, for similar Purposes, of themselves compose Courts-martial, and take Rank according to their Commissions.

150. ALL Courts-martial arising out of Disputes between Our Life Guards or Horse Guards and Our Foot Guards, or between either of those Corps of Guards and any of Our other Forces, or different Corps of Our other Forces, shall be equally composed of Officers belonging to the Corps in which the Parties complaining and complained of do then serve; — and the President shall be taken by Turns as nearly as Our Service will with Convenience admit, beginning first by an Officer of one of Our Regiments of Life Guards, and so on in course out of the other Corps, according to the Seniority in Rank of such Corps respectively.

151. WHEN any Proportion of Our Regiments of Life Guards, Horse Guards, or Foot Guards shall be serving on detached Duty, Offenders belonging thereto shall be tried by Courts-martial to be assembled by any Governor or Commander of a District, Garrison, Fort, Castle, or Barrack, and to be composed of Officers of different Corps, provided that no less than a Moiety of the Officers shall belong to Our Life Guards, Horse Guards, or Foot Guards respectively.

respectively, if so many are on the same Duty, or can be conveniently assembled.

152. THE Officers of Artillery shall, for Differences arising amongst themselves, or in Matters relating solely to their own Corps, have Courts-martial composed of their own Officers;—but where a sufficient Number of such Officers cannot be assembled, or in Matters wherein other Corps are interested, they shall sit in Courts-martial with the Officers of Our other Corps, taking Rank according to their Commissions.

153. NO Officer serving in the Militia shall sit in any Court-martial upon the Trial of any Officer or Soldier serving in any of Our other Forces;—nor shall any Officer in Our other Forces sit in any Court-martial upon the Trial of any Officer or Soldier serving in the Militia.

PROCEEDINGS.

154. IN all Trials by Courts-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers;—and if the Prisoner shall then object to the President, such Objection, unless disallowed



disallowed by Two Thirds at least of the other Officers appointed to form the Court, shall be referred to the Decision of the Authority by whom such President shall have been appointed ;——but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers appointed to form the Court ;——and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge shall have been made, or if made not allowed, the President and other Officers composing a General Court-martial shall take the following Oath before the Judge Advocate or Person officiating as such ;——and on Trials by other Courts-martial the same Oath shall be administered by the President to the other Members ; —— and afterwards by any sworn Member to the President :

*You shall well and truly try and determine according to the Evidence in the Matter now before you.*

*So help you GOD.*

*You shall duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion,*  
and



and other Crimes therein mentioned, without Partiality, Favour, or Affection; and if any Doubt shall arise, which is not explained by the said Articles or Act, then according to your Conscience, the best of your Understanding, and the Custom of War in the like Cases: And you shall not divulge the Sentence of the Court until it shall be duly approved; neither shall you upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, or a Court-martial, in due Course of Law.  
So help you GOD.

AND as soon as the said Oaths shall have been administered to the respective Members, the President of the Court shall administer to the Judge Advocate or Person officiating as such at General Courts-martial an Oath in the following Words:

*I A. B. do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof, as a Witness, by a Court of Justice, or a Court-martial, in due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence*

*Sentence of the Court until it shall be duly approved.*  
*So help me GOD.*

155. **EVERY** Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of a General Court-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as Judge Advocate ;—and in the Case of all other Courts-martial by the President of the Court ;—and all Persons who give Evidence before any Court-martial, other than those who are by Law empowered to make a solemn Affirmation, are to be examined upon Oath in the following Words :

*THE Evidence which you shall give before this Court shall be the Truth, the whole Truth, and nothing but the Truth.*  
*So help you GOD.*

- \*156. **AFTER** any Person subject to these Articles has been found guilty, the Court-martial before which he has been tried may, before passing Sentence, and for the Purpose only of awarding Punishment, receive in Evidence against him any previous Conviction or Convictions, the Proceedings of which have been duly confirmed, and any previous Conviction or Convictions of any such Person by a Court of ordinary Criminal Jurisdiction ;—but before any such Evidence shall be received, it shall be proved to

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to the Satisfaction of the Court that the Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him ;—and the Court shall not award any other Punishment or Punishments than may be legally awarded for the Offence of which the Court shall then have found him guilty.

IN the Case of previous Convictions by Courts-martial, the Court-martial Book or the Defaulter Book of the Regiment, Corps, Troop, or Company, and when none of those Books can conveniently be produced, a Certificate which shall purport to contain a Copy of the Entry of such Convictions in any such Books, and which shall be signed by the Adjutant or other Officer having the Custody of the Court-martial Book or of the Defaulters Book of the Regiment, Corps, Troop, or Company to which the Prisoner belongs, shall be sufficient Evidence of such Conviction.

157.

IN the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, a Certificate, transmitted as provided for in the 39th Section of the Mutiny Act, to the Officer commanding a Regiment or other Corps by the Clerk of any such Court, or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, setting forth the Offence of which

158.

which the Prisoner was convicted, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, or if such Certificate cannot conveniently be obtained, a Copy thereof, duly certified by the Officer producing it, shall be sufficient Evidence of such Conviction.

159. IT shall not be necessary to prove the Signature or official Character of the Person appearing to have signed either of the above-mentioned Certificates;—nor if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned therein, shall it be necessary to give other Proof of the Identity of the Person of the Offender.

160. EVERY Judge Advocate or Person officiating as such at a General Court-martial shall transmit, with as much Expedition as may be, the original Proceedings, and Sentence thereof, to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved:—And the President of every District or Garrison Court-martial shall in like Manner transmit the Proceedings and Sentence thereof:—But the Proceedings of District and Garrison Courts-martial need

need not be preserved after the Expiration of a Period of Twelve Years from the Date of their Deposit in the Office of the Judge Advocate General.

ANY Person tried by a General, District, or Garrison Court-martial, or any Person on his Behalf, shall be entitled, on Demand made within the Space of Three Years from the Date of the final Decision on the Proceedings, to a Copy of such Proceedings and Sentence (paying for the same at the Rate of Fourpence *per Folio* of Seventy-two Words), whether such Sentence shall be approved or not, as soon after the Receipt of the Proceedings at the Office of the Judge Advocate General as such Copy can conveniently be supplied. 161.

NO Person acting as Prosecutor or being a Witness for the Prosecution shall also act as Judge Advocate at a Trial. 162.

NO Trials shall be carried on except between the Hours of *Eight* in the Morning and *Four* in the Afternoon, except in Cases which require an immediate Example ;— and except in *India*, where Trials may be held between the Hours of *Six* in the Morning and *Four* in the Afternoon. 163.

NO Person shall use menacing Words, Signs, or Gesture in Presence of a Court- 164.

a Court-martial ; — or shall cause any Disorder or Riot, so as to disturb the Proceedings of the Court, under the Penalty, if an Officer or Soldier, of being punished at the Discretion of the said Court, and if a Civilian of being taken before a Civil Magistrate to be punished according to Law

165.

**ALL** the Members of a Court-martial are to behave with Decency ; — to take their Seats according to Rank, and not quit them without Permission of the President ; — who will clear the Court on any Discussion ; — and in case of intemperate Words used by any Member of the Court, direct the same to be taken down in Writing, and reported to the Officer ordering the Court-martial to assemble ; — no reproachful Words are to be used to Witnesses or Prisoners ; — and the President is hereby held responsible that every Person attending such Court be treated with proper Respect ; — and in taking the Votes of the Court, the President shall begin by that of the youngest Member.

166.

**NO** Person who shall be acquitted or convicted of any Offence shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence ; — and no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be

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revised more than once, nor shall any additional Evidence in respect of any Charge on which the Prisoner then stands arraigned be received by the Court on any Revision.

## PROVOST MARSHALS.

FOR the prompt and instant Repression of all Irregularities and Crimes abroad which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by Us, or by Our Commander of the Forces, or General Commanding, and their Powers shall be regulated according to the established Usages of War and Rules of Our Service, being limited to the Punishment of Offenders whom they may detect in the actual Commission of any Crime; the General Commanding Our Forces in the Field will cause them to exercise the Powers entrusted to them in such Manner and under such Circumstances as he may consider best calculated to prevent and instantly to repress Crimes injurious to the Discipline of Our Army and the Public Service; — their Duties are to take Charge of Prisoners confined for Offences of a general Description; — to preserve good Order and Discipline; — to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the Spot, or the same Day, those whom they may find in the immediate Act of committing Breaches of

167.



of good Order and Military Discipline ;—— provided that the Punishment be limited to the Necessity of the Case, and shall accord with the Orders which the Provost may from Time to Time receive from Our Commander of the Forces in the Field, and that whatever may be the Crime, the Provost Marshal or his Assistants shall see the Offender commit the Act for which summary Punishment may be inflicted, or if the Provost Marshal or his Assistants should not see the Offender actually commit the Crime, but that sufficient Proof can be established of the Offender's Guilt, a Report shall be made to the Commander of Our Army in the Field, who is hereby empowered to deal with the Case as he may deem most conducive to the Maintenance of good Order and Military Discipline.

#### BOARDS AND COURTS OF INQUIRY.

168.

FOR the Purpose of securing a Provision for Life to the Officers of Our Army who have sustained serious and permanent Injury by Wounds received in Action with an Enemy, according to Our Rules and Regulations for granting Pensions to wounded Officers, — it is Our Will and Pleasure, that when the State of the Officer's Wound shall be such as to require him to be inspected by a Military Medical Board, convened by Our Order through Our Secretary at War ; —— such Board shall

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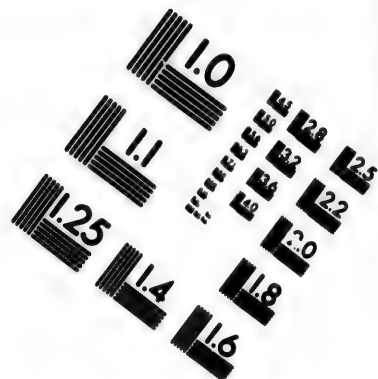
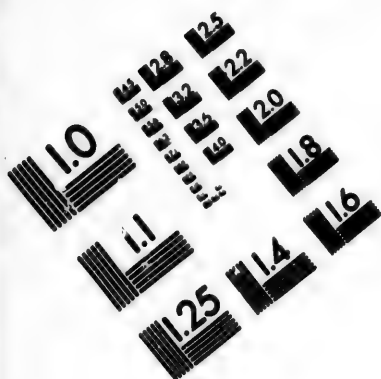
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shall be composed of not more than Five nor less than Three Medical Officers, and where Three Surgeons or Medical Officers of higher Rank are not available, the Board may be composed of One Surgeon or Medical Officer of higher Rank and of Two Assistant Surgeons of not less than Six Years Service: — The Proceedings of the Board in the Inspection of wounded Officers, and in certain Cases of Officers retiring on Full or Half Pay, shall be conducted as follows: — The Senior Medical Officer shall act as President, and shall himself make, and require each Member to make, the following Declaration in Presence of the Officer whose Case is under Enquiry: —

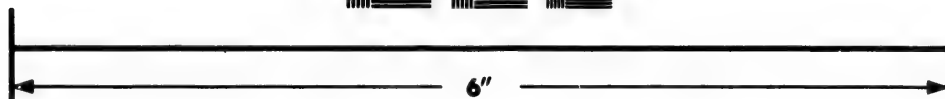
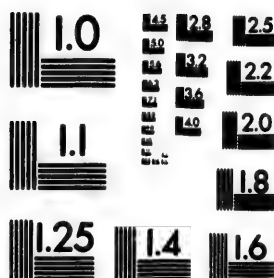
*I A. B. do declare, upon my Honour, that I will duly and impartially inquire into and give my Opinion on the Case of the Officer now before this Board, according to the true Spirit and Meaning of Her Majesty's Orders and Regulations and the Instructions issued by Her Majesty's Orders on this Head: — AND I further declare, upon my Honour, that I will not, on any account or at any Time, disclose or discover, my own Vote or Opinion, or that of any particular Member of the Board, unless required to do so by competent Authority.*

THESE Boards will either have for their President, or report their Proceedings





# **IMAGE EVALUATION TEST TARGET (MT-3)**



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ings to, the Director General of the Army Medical Department, who will transmit the Report, for Our Decision, to Our Commander in Chief or Secretary at War, as the Case may require.

\*169.

IN order to secure to the deserving Soldier, when discharged, a Provision proportioned to the Length and Nature of his Service, and to enable Our Commissioners of *Chelsea Hospital* to carry into full Effect Our Rules and Regulations for the pensioning of Soldiers,—We do hereby order that when a Soldier shall be discharged, whether for Unfitness, or for any other Cause, his Services, Conduct, Character, and the Cause of the Discharge shall be ascertained before a Regimental Board, to be held for the Purpose of verifying and recording all these necessary Particulars in the Discharge, on which Document the Decision of Our Commissioners of *Chelsea Hospital* on the Soldier's Claim to Pension will be made.—The Board shall be composed, in all Cases, of *Three* Officers;—the Second in Command shall be the President, and the Two next Senior Officers on the Spot shall be Members;—and all Military Persons who may be summoned by the President thereof are directed to attend and give Information to the Board on the Subject of their Inquiry:—Such Board is not competent to award any Punishment or Forfeiture of Service, their  
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Duty being restricted to the faithful and impartial Record of the Soldier's Services and Conduct at the Close of his Military Career;—and they will be governed in this their Duty by a Reference to Our Rules, Orders, and Regulations for the pensioning of Soldiers, which Regulations shall be produced before the Board whenever it is assembled:—When the Board is assembled, the President and Members thereof shall severally make the following Declaration in the Presence of the Soldier whose Case is under Inquiry :

*I A. B. do declare, upon my Honour, that I will duly and impartially inquire into the Matters to be brought before this Board, according to the Rules and Regulations of Her Majesty's Service, and if any Doubt shall arise, according to my Conscience, the best of my Understanding, and the Custom of the Service in like Cases.*

IF any Soldier shall have been illegally absent from his Duty for the Space of *Two Months*, a Court of Enquiry of *Three Officers* shall forthwith assemble, who are hereby empowered to examine Witnesses upon Oath respecting the Fact of such Absence;—and, having received Proof on Oath of the Fact, they shall declare such Absence and the Period thereof, and the Officer commanding the Corps shall enter a Record of such Absence, and of the Declaration

170.



tion of such Court of Enquiry thereon, in the Regimental Books ;—and if such Soldier should not afterwards surrender or be apprehended, such Record shall have the legal Effect of a Conviction for Desertion ;—and if such Soldier should surrender or be apprehended after such Record shall have been so entered, such Record, or a Copy thereof, purporting to bear the Signature of the Officer having the Custody of the Regimental Books, shall, on the Trial of such Soldier on a Charge for Desertion, be admissible in Evidence of the Facts therein recorded ;—and on Proof of the Identity of the Prisoner with the Soldier therein mentioned, he may be found guilty of Desertion ;—and if he be convicted, the Sentence of any such Court shall be inserted in the Soldier's Discharge.

FORFEITURE OF PAY, SERVICE,  
DALS, ANNUITIES, GRATUITIES,  
PENSIONS, &c.

171. EVERY Soldier found guilty by a Court-martial of the following Offences ;—

Desertion :

Wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not,—or causing himself to be maimed or injured by any other Person,—with Intent thereby to render himself, or such other Soldier, unfit for Service :

Tampering

Tampering with his Eyes, with Intent thereby to render himself unfit for Service :

Such Finding having been confirmed ;—

AND every Soldier who may have been sentenced to Penal Servitude,—or who has been discharged with Ignominy ;—

AND every Soldier who has been found guilty of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*,—or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom,—which would, if committed in *England*, amount to Felony ;—

SHALL thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge which might have otherwise accrued from the Length of his former Service ;—

ALSO, all Medals and Decorations whatsoever which he may be in possession of, authorized to wear, together with the Annuity or Gratuity, if any, thereto appertaining.

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or gallant Services in Our Army, may, on the same being duly certified by Our Commander in Chief, be eligible to be restored to the Benefit of the whole or of any Part of his Service ;—and should the Restoration be approved by Us, Our Order for the same will be signified through Our Secretary of State for War.

172.

IF any Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court, or by reason of his Confinement for Debt, or by reason of his Desertion, or being an Apprentice, by reason of his being allowed to serve out his Time with his Master,—shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged.

173.

NO Soldier shall be entitled to Pay or to reckon Service towards Pay or Pension when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement as a Deserter by Confession, or under any Charge on which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary

ordinary Criminal Jurisdiction, or whilst in Confinement for Debt;—and no Soldier whose Ration of Wine or Spirits or Beer has been stopped on board Ship by the lawful Order of the Officer Commanding shall be entitled to claim the Value of such Ration in Money.

NO Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, during the Period of his Absence as a Prisoner of War;—but upon rejoining Our Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with, or under, or in some Manner aided the Enemy, or that he had not returned as soon as possible to Our Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence. 174.

ANY Soldier who shall be convicted of Desertion, or of Absence without Leave, shall forfeit his Pay and Service for the Day or Days during which he was in a State of Desertion or during his Absence without Leave. 175.

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176. ANY Soldier who has been imprisoned by Order of his Commanding Officer shall forfeit his Pay and Service for any Day or Days during which he shall have been so imprisoned;—subject, however, to the Right of Appeal given in such Cases by these Articles.
177. ANY Soldier shall be liable,—at the Discretion of his Commanding Officer, subject, however, to the Right of Appeal given in such Cases by these Articles,—to forfeit his Pay for any Day or Days, not exceeding Five, during which he shall have been absent without Leave.
178. OUR Secretary of State for War may order or withhold the Payment of the whole or of any Part of the Pay of any Officer or Soldier which by these Articles has been rendered subject to Forfeiture by reason of Absence from Duty for any of the Causes aforesaid.
179. OUR Secretary of State for War may also withhold the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty.
180. IN case of any Doubt whatever as to the proper Issue of Pay, it may be withheld

held until Our Orders respecting it shall have been signified by Our Secretary of State for War.

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## SECTION IV.

### RANK.

**A**LL Officers doing Duty with their Regiments only shall take Rank according to the Dates of their Commissions in such Regiments ;—but when serving together with Officers of other Corps, each shall take Rank according to his Brevet or Date of any former Commission. 181.

**WHEN** Our Regiments of Life Guards and Horse Guards shall do Duty together, the eldest Officer by Commission shall command the whole, Regard being always had the respective Ranks of those Corps, and the Posts they usually occupy ; —and if any of Our Life Guards, Horse Guards, or Foot Guards shall be serving with any of Our other Troops, the eldest Officer by Commission, without respect to Corps, shall take upon him the Command of the whole. 182.

**WHENEVER** Our Regiments of Life Guards, or Detachments from the same, 183.

same, shall do Duty together, unmixed with other Corps, they are to be considered as One Corps, and the Officers are to take Rank and do Duty according to the Dates of their Commissions.

184. AND when Our Regiments of Foot Guards, or Detachments, from Our said Regiments, shall do duty together, unmixed with other Corps, they shall be considered as One Corps, and the Officers shall take Rank and do Duty according to the Commissions by which they are mustered.

185. THE Officers in the late *East India* Company's Service and in Our *Indian* Army shall take Rank with the Officers of Our Forces according to the Dates of the Commissions held by them respectively from Us, or from Authorities duly deputed by Us.

186. ALL Colonels serving by Commissions signed by Us or by Our General commanding in chief in *North America*, when employed in any Duty in conjunction with General Officers or Colonels serving there by Commissions from any of Our Civil Authorities in the Country, shall have Precedence of such Provincial Officers, although their Commissions be of elder Date ;— and in like Manner all Officers, below the Degree of Colonel, having Commissions

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missions signed by Us, shall have Precedence of such Provincial Officers of equal Rank, though their Commissions be of elder Date.

187. OFFICERS of Our Regular Forces with whom the Officers of Our Militia Forces take Rank, by a special Provision made by Parliament in that Behalf, as the youngest of their Degree, shall have Precedence of and command the Officers of equal Degree serving in Our Fencible Forces, Our Yeomanry Cavalry, and Volunteer Corps;—and the Officers of Our Fencible Forces, Militia, Corps of Yeomanry Cavalry, and Volunteer Corps shall rank together, according to the Dates of their respective Commissions, excepting in such Cases where We may otherwise specially direct.

## SECTION V.

### APPLICATION OF THE ARTICLES.

188. ALL the Provisions of these Articles shall apply to every Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be attested or in Pay as a Non-commissioned Officer or Soldier,

*Application of the Articles.*

Soldier, and to all Persons employed on the Recruiting Service, receiving Pay in respect of such Service;—and to Persons who are or shall be hired to be employed in Our Royal Artillery, Royal Engineers, and to Masters Gunners, and to Conductors of Stores, and to the Corps of Royal Military Surveyors and Draftsmen, and to all Officers and Persons who are or shall be serving on the Commissariat Staff or in the Commissariat Staff Corps, and to Officers serving in the Military Store Department, and to Persons in the War Department, who are or shall be serving with any Part of Our Forces, at home or abroad, under the Command of any Commissioned Officer;—and (subject to and in accordance with the Provisions of Statute of Sixth and Seventh *Victoria*, Chapter Ninty-five,) to any Out-pensioners of the Royal Hospital, *Chelsea*, who may be called out on Duty in aid of the Civil Power, or for Muster or Inspection, or who, having volunteered their Services for that Purpose, shall be kept on Duty in any Fort, Town, or Garrison;—and to all Military Store Officers and other Civil Officers who are or shall be employed by or act under Our Secretary of State for War at any of Our Establishments in Our Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations;—  
and

and to all Persons belonging to Her Majesty's *Indian Forces* who are or shall be commissioned or in Pay as Officers, or who shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners or Pioneers, or as Military Surveyors or Draughtsmen, or in the Ordnance or Public Works or Commissariat Departments; — and to all Storekeepers, and other Civil Officers employed under the Ordnance; — and to all Veterinary Surgeons, Medical Storekeepers, Apothecaries, Hospital Stewards, and others serving in the Medical Department of the said Forces; — and to all licensed Suttlers, and all Followers in or of any of the said Forces.

IN construing these Articles, the Word "Regiment" may be deemed to include other Branches of the Service than those which are strictly regimental, and the Provisions relating to Regiments may be applied to such other Branches. — The Word "Month" shall be taken to mean "Lunar Month," and the Word "Year" to mean "Calendar Year;" the Word "District"

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trict" shall in *India* be deemed to include a Division, Field Force, or District directly subject to the Command of the General commanding in chief the Troops of the Presidency; "One Penny" shall in *India* be construed to mean "Eight Pies."

190. NO Officer or Soldier or other Person within Our United Kingdom of *Great Britain* and *Ireland*, or the *British Isles*, shall be subject to suffer any Punishment extending to Life or Limb, or to be kept in Penal Servitude, by virtue of these Our Articles of War, except for such Crimes as are expressly declared by the Mutiny Act, and by the said Articles, to be so punishable within the same.

191. THE Officers and Soldiers of any Troops, being mustered and in Pay abroad, which are or shall be raised or serving in any of Our Dominions abroad, or in Countries or Places in possession of or occupied by Our Subjects or any of Our Forces;—shall at all Times, and in all Places, when joined or acting in conjunction with Our Forces;—or under the Command of any Officer having a Commission immediately from Us;—be subject to these Our Articles of War, and shall be liable to be tried by Courts-martial, in like Manner as Our Forces are.

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192.

**WHENEVER** any of Our Forces shall be embarked on board Our Ships of War or any other Ships which may have been regularly commissioned by Us, and which may be employed in the Transport of Our Troops;—Our Will and Pleasure is, That the Officers and Soldiers of such Forces, from the Time of Embarkation on board any Ship as above described, shall strictly conform themselves to the Laws and Regulations established for the Government and Discipline of the said Ship, and shall consider themselves, for these necessary Purposes, under the Command of the Senior Officer of the particular Ship, as well as of the Superior Officer of the Fleet (if any), to which such Ship belongs.

193.

**THE** Second Section of these Our Articles of War is to be read and published *once* in every *Three Months* at the Head of every Corps in Our Service, together with the following Articles in the other Sections, which are marked with an Asterisk; viz.

4.	31.	133.
5.	33.	134.
8.	120.	137.
13.	121.	138.
21.	128.	139.
22.	129.	142.
23.	131.	156.
24.	132.	169.
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**WHEN**

**ALSO**

ALSO the following Notice :—

Under the existing Law, any Person who shall maliciously and advisedly endeavour to seduce any Person or Persons serving in Her Majesty's Forces by Sea or Land from his or their Duty and Allegiance to Her Majesty,—or to incite or stir up any such Person or Persons to commit any Act of Mutiny,—or to make or endeavour to make any mutinous Assembly,—or to commit any traitorous or mutinous Practice whatsoever, may on being legally convicted of such Offence be sentenced to Penal Servitude for the Term of the natural Life of such Person.

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## ALTERATIONS.

N.B.—The Sections, &c. are printed as they are altered; the Words left out being struck through, and the additional Words in *Italics*.

### *Mutiny Act.*

#### PREAMBLE.

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sessions,” &c. serving in India.

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Act.

" ALL the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay, and all Pensioners receiving Allowances in respect of such Service, and to Persons who are or shall be hired to be employed in the Royal Artillery, Royal Engineers, ~~and Military Store Department~~, and to Master Gunners, and to Conductors of Stores, and to the Corps of Royal Military Surveyors and Draftsmen, and to all Officers and Persons who are or shall be serving on the Commissariat Staff, or in the Commissariat Staff Corps, ~~or~~ and to Officers serving in the Military Store Department, and to Persons in the War Department, who are or shall be serving with any ~~Part of Her Majesty's Army at home or abroad, under the Command of any Com-~~missioned Officer, and (subject to and in accordance with the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, Chapter Ninety-five,) to any Out-pensioners of the Royal Hospital, Chelsea, who may be called out on Duty in aid of the Civil Power, or for Muster or Inspection, or who having volunteered their Services, for that Purpose shall be kept on Duty in any Fort, Town, or Garrison, and to all ~~Storekeepers~~ *Military*

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*Military Store Officers* and other Civil Officers who are or shall be employed by or act under the Secretary of State for War at any of Her Majesty's Establishments in the Islands of Jersey, Guernsey, Alderney, Sark, and Man, and the Islands thereto belonging, or at Foreign Stations;—and all the Provisions of this Act shall apply to all Persons belonging to Her Majesty's Indian Forces who are or shall be commissioned or in Pay as Officers, or who shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners, or Pioneers, or as Military Surveyors or Draftsmen, or in the Ordnance or Public Works or Commissariat Departments, and to all Storekeepers and other Civil Officers employed under the Ordnance, and to all Veterinary Surgeons, Medical Storekeepers, Apothecaries, Hospital Stewards, and others serving in the Medical Department of the said Forces, and to all Licensed Sutlers, and all Followers in or of any of the said Forces;—PROVIDED that nothing in this Act contained shall extend to affect any Security which has been or shall be given by any ~~Storekeeper~~, *Military Store Officer*, Barrack Master, or other Officer, or their Sureties,

Sureties, for the due Performance of their respective Offices, but that all such Securities shall be and remain in full Force and Effect."

## 33.

"and in the event of his being a Recruit who has not joined, that it may be so stated in his Report, together with the Name of the Place where the Man enlisted.—*In all Cases where the Soldier in Custody is under Sentence to be discharged from the Service on the Completion of his Term of Imprisonment, and the Discharge Document is in the Hands of the Gaoler, such Gaoler shall not be required to make any Report thereof to the Secretary of State for War, or to the Military Authorities hereinbefore referred to.*"

## 54.

Re-engagement of Soldiers for a further Term.

"ANY Soldier at any Time during the last Six Months of the Term of limited Service for which he shall have first engaged, or after the Completion of such Term, may, with the Consent of his Commanding Officer, ~~or any Person having been a Soldier, after having received his Discharge,~~ may, if approved by competent Military Authority as a fit Person for Her Majesty's Service, be re-engaged to serve for the further Term of Eleven Years in the Infantry, and Twelve Years in the Cavalry, and Nine Years in the Artillery or Engineers, upon

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upon making a Declaration, in the Form given in the Schedule annexed to this Act, before any One of Her Majesty's Justices of the Peace in Great Britain or Ireland, or if not in Great Britain or Ireland before any Person duly appointed to enlist and attest out of Great Britain and Ireland any Soldiers or Persons desirous of enlisting or re-engaging in Her Majesty's Service;—and on the Expiration of the Second Term of limited Service for which any Soldier shall have engaged, the said Second Term of limited Service may be prolonged for such further Time not exceeding Two Years as shall be directed by the Commanding Officer of the Station where such Soldier may be at the Time of the Expiration of such Service;—and any Soldier who shall give Notice to his Commanding Officer, after completing his Second Term of limited Service, that he is desirous of continuing in Her Majesty's Service, and being approved by competent Military Authority, may be continued in such Service as a Soldier so long as he shall desire to be so continued, and until the Expiration of Three Calendar Months after he shall have given Notice to his Commanding Officer of his Wish to be discharged, and for that Purpose shall be considered in all respects during such Time as if his Term of Service were still unexpired.”

59. “NO

59.

Authorized  
Deductions  
only to be  
made from  
the Pay of  
the Army.

"NO Secretary of State for the War Department, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or any of their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of April One thousand eight hundred and sixty-three, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be authorized or required by Her Majesty's Regulations or Articles of War or by Statute Twenty-six and Twenty-seven Victoria, Chapter Sixty-five, Section Eight (*Volunteer Act*), or by Her Majesty's Order signified by the Secretary of State for the War Department;" &c.

105.

Officers and  
Soldiers  
serving in  
India.

"ANY Officer or Soldier, or other Person subject to this Act, who shall be serving in the Territories of any Foreign State in India, or in any Country in India under the Protection of Her Majesty, or at any Place in Her Majesty's Dominions in India (other than Prince of Wales' Island, Singapore, or Malacca), at a Distance upwards of One hundred and twenty Miles from the Presidencies of Fort William, Fort Saint George, and Bombay respectively."

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tively, and who shall be accused of having committed Treason or any other Crime which, if committed in England, would be Felony, may be tried by a General Court-martial, to be appointed by the General or other Officer commanding in chief in such Place for the Time being, and, if found guilty, shall be liable to be sentenced by such Court-martial to suffer such Punishment as might legally have been awarded by any of Her Majesty's Courts of ordinary Criminal Jurisdiction within Her Majesty's Dominions in India in respect of an Offence of a like Nature and Degree, and committed within the Jurisdiction of such last-mentioned Court;—but no Sentence of a General Court-martial for any such Offence shall be carried into execution until the same shall have been duly confirmed;—and it shall be lawful for such General or other Officer commanding in chief as aforesaid, except as is herein-after provided, to confirm the Sentence of any such General Court-martial;—and such General or other Officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the Sentence, or, in the Case of a Sentence of Penal Servitude, may commute the same to Imprisonment, with or without Hard Labour, for such Period as to him shall seem fit:—PROVIDED always, that in all Cases wherein a Sentence of Death or Penal Servitude shall have been awarded by any such General Court-

*Court-martial held for the Trial of a Commissioned Officer, or where a Sentence of Death shall have been awarded by any such General Court-martial held for the Trial of any Person subject to this Act other than a Commissioned Officer, such Sentence shall not be carried into execution until it shall have been duly confirmed by the General or other Officer commanding in chief Her Majesty's Forces in India, with the Concurrence of the Governor-General in Council: — PROVIDED also, that any Person who may have been so tried as aforesaid shall not be tried for the same Offence by any other Court whatsoever."*

108.

*[Alteration only in Dates.]*



\_\_\_\_\_

I                      now residing in the Parish  
of                      in the County of                      ;  
do solemnly and sincerely declare, That to  
the best of my Knowledge and Belief I  
was born in the Parish of (a)  
in or near the Town of (b)                      in  
the County of (c)                      , and am  
Years of Age;—that I am of the Trade  
or Calling of                      [or of no Trade  
or Calling as the Case may be];—that  
I am not an Apprentice;—that I am not  
married;—*that I am not a Widower;*  
*—that I am a Widower, and that I have*  
*(or have not) Children;*—that I do not  
belong to the Militia, or to the Naval  
Coast Volunteers, or to any Portion of Her  
Majesty's Land or Sea Forces; " &c.

I do declare, That I am  
at present [or was, as the Case may be,]  
in Captain Company in  
the

the Regiment [the foregoing  
 Portion of this Declaration may be altered  
 to suit each particular Case] ;—that I  
 enlisted on the \_\_\_\_\_ Day of \_\_\_\_\_  
 for a Term of \_\_\_\_\_ Years ;—that  
 I am of the Age of \_\_\_\_\_ Years ;  
 —and that I will serve Her Majesty,  
 Her Heirs and Successors, for a further  
 Term of \_\_\_\_\_ Years [to be filled  
 up with Eleven Years in the Infantry, or  
 Twelve in the Cavalry, or Nine in the  
 Artillery or Engineers, and, in the Case of  
 a Soldier about to embark for Foreign  
 Service, with such Number of Years as  
 shall be required to complete a total Ser-  
 vice of Twenty-one Years in the Artillery,  
 Engineers, and Infantry, or Twenty-four  
 in the Cavalry,] provided my Services  
 should so long be required, and also for  
 such further Term, not exceeding Two  
 Years, as shall be directed by the Com-  
 manding Officer on any Foreign Station.

Declared before me \_\_\_\_\_

the \_\_\_\_\_ Day of \_\_\_\_\_ 18 .

\_\_\_\_\_  
 Signature of Soldier.

\_\_\_\_\_  
 Signature of Witness."

No. .  
 DESCRIPTION RETURN of who was apprehended [or  
 "surrendered himself," as the Case may be,] on the Day of  
 and was committed to Confinement at on the  
 Day of as a Deserter from [insert Regiment or Corps].

Age . . . . .	
Height . . . . .	Feet. Inches.
Complexion . . . . .	
Hair . . . . .	
Eyes . . . . .	
Marks . . . . .	
Probable Date of Enlistment, and where . . .	
Probable Date of Desertion, and from what Place .	
{ Name and Occupation and Address of the Person by whom apprehended or through whose Means the Deserter was apprehended and secured .	
{ Particulars in the Evidence on which the Prisoner is committed, and showing whether he surren- dered or was apprehended, and in what Manner and upon what Grounds . . . . .	

\* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

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## Articles of War.

### SECTION II.

#### CRIMES AND PUNISHMENTS.

##### DRUNKENNESS.

82.  
p. 37. "such Soldier shall be deprived of his Liquor, ~~instead of forfeiting One Penny a Day of his Pay, and the Equivalent of One Penny a Day of his Pay shall thereupon also be considered as forfeited,~~ for so long a Time as such Soldier shall be at such Station, or on board such Vessel, and his Sentence to Forfeiture of Pay shall continue in force."

##### DISGRACEFUL CONDUCT.

85.  
p. 40. "and to Forfeiture of any Good-conduct Badges, Medals, or Decorations, and of any Annuities or Gratuities relating thereto, ~~and if convicted on a Charge for fraudulently obtaining Commissariat Supplies shall be liable to be degraded to the Second Class ;~~ — and the Court may recommend any Soldier convicted of disgraceful Conduct to be discharged with Ignominy from Our Service ;" &c.

MISCELLANEOUS OFFENCES.

"ANY Soldier who shall pawn, sell, lose by Neglect, make away with, or wilfully spoil his Arms, Accoutrements, or Necessaries, — or any extra Article of Clothing or Equipment that he may have been put in possession of and ordered to wear, on the Recommendation of the Surgeon, for the Benefit of his Health ;—or *spoil or wilfully deface or make away with* or pawn his Medal granted him for Service in the Field," &c. 106. p. 48.

SECTION III.

COURTS-MARTIAL.

POWERS OF COURTS-MARTIAL.

"A General, District, or Garrison Court-martial may sentence any Soldier to Imprisonment, with or without Hard Labour, and may also directed that such Offender shall be kept in Solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time nor Eighty-four Days in any One Year, *Period of Three hundred and thirty-six Days*, with Intervals between the Periods of Solitary Confinement of not less Duration than such Periods of Solitary Confinement," &c. \*128. p. 60.

"and any Non-commissioned Officer so placed or reduced to the Ranks by the Sentence \*139. p. 65.

Sentence of a Court-martial may, by Order of the same Court, be made to forfeit any Gratuity, Annuity, and Medal which may have been conferred upon him.— *The Words Commander in Chief in this Article shall include the Commander in Chief of Our Forces in India, and the Commander in Chief of Our Forces in each of the Presidencies in India.*"

146.  
p. 70.

TRIAL OF CIVIL OFFENCES IN THE EAST INDIES  
WHERE THERE IS NO CIVIL JUDICATURE.

[*The Title of this Article is altered thus :—*

"TRIAL OF CIVIL OFFENCES IN THE EAST INDIES."

*The Article itself is omitted, and a Reference made to Section 105. of the Mutiny Act.]*

## SECTION V.

### APPLICATION OF THE ARTICLES.

188.  
p. 95.

"ALL the Provisions of these Articles shall apply to every Person who is or shall be commissioned or in Pay as an Officer, or who is or shall be attested or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service, receiving Pay in respect of such Service, and to ~~Officers and Soldiers belonging to Our Indian Forces, while such Officers or Soldiers shall be in any Part of the United Kingdom;—~~and to Persons who are or shall be hired to be employed in Our Royal Artillery, Royal Engineers, and ~~Military~~

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Staff Corps, ~~or~~ and to Officers serving in  
the Military Store Department, and to Per-  
sons in the War Department, who are or  
shall be serving with any Part of Our  
Forces, at home or abroad, under the Com-  
mand of any Commissioned Officer ;—  
and (subject to and in accordance with the  
Provision of Statute of Sixth and Seventh  
Victoria, Chapter Ninety-five.) to any Out-  
pensioners of the Royal Hospital, Chelsea,  
who may be called out on Duty in aid of  
the Civil Power, or for Muster or Inspec-  
tion, or who, having volunteered their Ser-  
vices for that Purpose, shall be kept on  
Duty in any Fort, Town, or Garrison ;  
—and to all ~~Storekeepers~~ Military Store  
Officers and other Civil Officers who are  
or shall be employed by or act under Our  
Secretary of State for War at any of Our  
Establishments in Our Islands of Jersey,  
Guernsey, Alderney, Sark, and Man, and  
the Islands thereto belonging, or at Foreign  
Stations ;" &c.